

## CUYAHOGA COUNTY SHERIFF'S DEPARTMENT

FILE NO. 15-00004

DATE June 2, 2015

FROM Detective John Morgan #241

TO Sergeant Sharpe

SUBJECT Synopsis of CCSD Case #15-004  
Use of Deadly Force Incident

COPIES TO Lt. Smith, File

**PREFACE**

The following is a synopsis of the Cuyahoga County Sheriff's Department (CCSD) investigation into the City of Cleveland Division of Police (CPD) Use of Deadly Force (UDF) incident which resulted in the death of Tamir E. Rice (RICE). The incident occurred at the Cudell Recreation Center (CRC), 1910 West Boulevard, Cleveland, Ohio, on November 22, 2014, at approximately 1530 hours (3:30 pm).

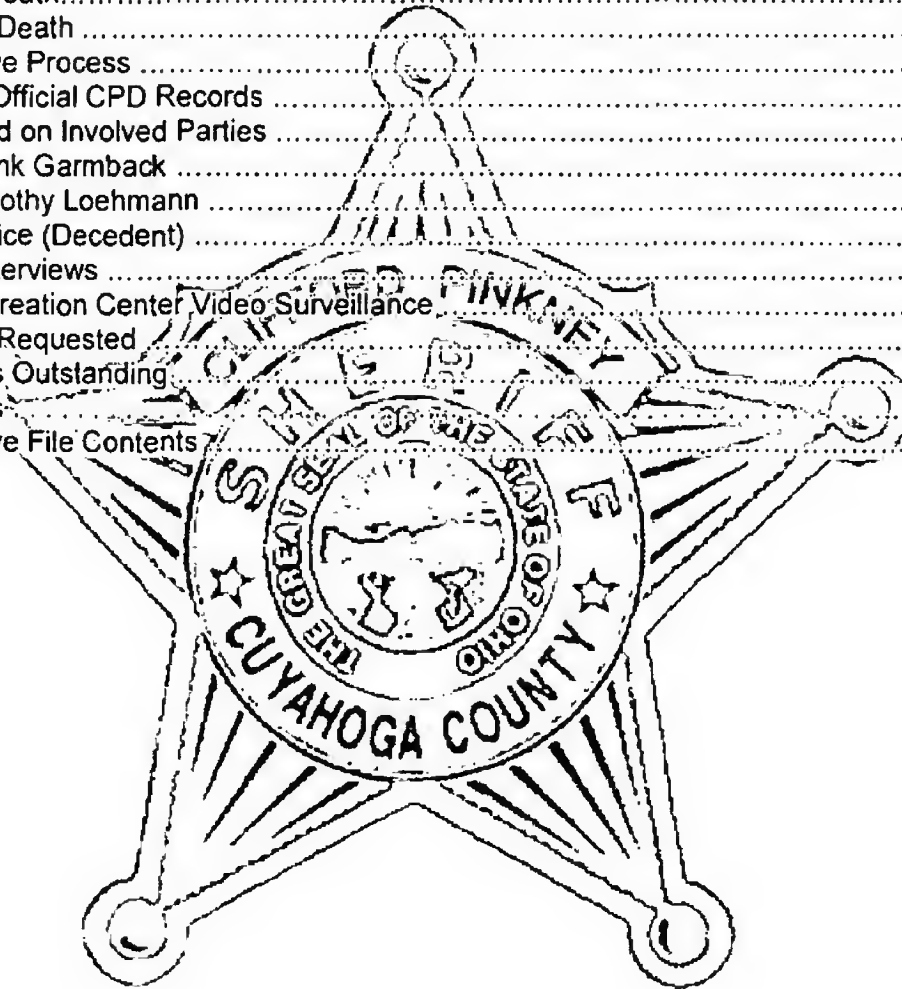
This report will only summarize the information that the CCSD investigative team deemed most relevant to provide an overarching understanding of the information obtained by CCSD regarding this incident. Because this is a summary of the investigative efforts, it is recommended the information be cross referenced with the relevant reports, video, and audio recordings provided herein. Furthermore, audio and/or video recordings exist for the majority of the interviews conducted. These audio/video recordings reveal further details of statements given regarding the incident.

Acronyms will be used throughout this summary. Each abbreviated term will be identified when initially referenced, and its acronym will follow in parenthesis. A Table of Contents and the Summary of Investigative File Contents are included to assist the reader.

Finally, the CCSD conducted this investigation for the purpose of determining, to the extent possible, the facts and circumstances surrounding this use of deadly force incident. As unbiased collectors of fact, the CCSD's investigative team has not, and will not, render any opinion of the legality of the officers' actions. Rather, those decisions are in the sole purview of the Cuyahoga County Prosecutor's Office (CCPO) and/or the Department of Justice.

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**INCIDENT SUMMARY**

On November 22, 2014, at approximately 1522 Hours, CPD Communication Center received a 911 call from a male, who only identified himself as "██████████" advised Dispatcher Constance Hollinger there was a male outside the CRC with a "pistol". The caller provided a clothing description of the male, that he was sitting on a swing outside of the youth center, and that the male was pulling the gun in and out of his pants and "scaring the shit out of people". ██████████ also stated that he could be a "juvenile" and that the gun was "probably fake", but he "couldn't tell if it was real or not".

Dispatch put out a call requesting an available unit to respond to a Code 1 at CRC. The marked CPD zone car (ZC) that was responsible for that area was occupied with another call. CPD Officers Frank Garback and Timothy Loehmann, who had just completed investigating an alarm drop near the intersection of West Boulevard and Lorain Avenue, advised dispatch they were available to respond to the call.

Dispatch informed Officers Garback and Loehmann that at "Cudell Rec Center ... there's a black male sitting on a swing // pulling a gun out of his pants and pointing it at people." Officers Garback and Loehmann were in ZC-115A, call sign "One Adam Twenty-Five" (1A25). Officers Garback and Loehmann proceeded to the CRC.

According to the Automated Vehicle Locator System (AVL), ZC 115A traveled north on West Boulevard, turned east onto Madison Avenue, and then turned north on West 99<sup>th</sup> Street, a dead end. Encountering the dead end, ZC 115A accessed the CRC by traveling over the curb line and through the grass to access the park area. ZC 115A then passed the playground area (swing set) and came to rest between the gazebo and wooden vehicle barriers located on the grass between the gazebo and the parking lot.

During this off road approach to the CRC, the AVL recorded speeds between six (6) and fifteen (15) miles per hour. As the ZC came to a stop, Officer Loehmann exited the vehicle. Video surveillance shows RICE pulling up his outer garment with both hands near the right side of his waist. Officer Loehmann exited the ZC and discharged his duty weapon at RICE. While retreating towards the rear of the ZC, Officer Loehmann stumbled and fell backward, regained his footing, and found cover behind the vehicle's trunk on the driver's side.

According to witness interviews, it is unclear whether Officer Loehmann shouted verbal commands from inside of the ZC to RICE (who was located inside of the gazebo area) prior to discharging his weapon. Based on the weapons inspection conducted by Lieutenant Ronald Timm of the CPD homicide unit, along with the shell casings recovered at the crime scene, Officer Loehmann fired two (2) rounds at RICE, striking RICE one time in the abdomen within an approximate time frame of 1 to 2 seconds after Officer Loehmann exited the vehicle.

Even after viewing the surveillance video from the CRC, CCSD Investigators were unable to determine when exactly Officer Loehmann's rounds were discharged from his service weapon. Based upon a Trace Evidence Laboratory Examination Report submitted by Supervisor Curtiss Jones of the CCMEQ, Officer Loehmann's weapon was fired at a distance no less than 4.5 feet. Using CRC surveillance video, BCI conducted a measurement scan using a FARO Focus 3D X330 Laser Scanner/Scene WebShare Software. This scan concluded that

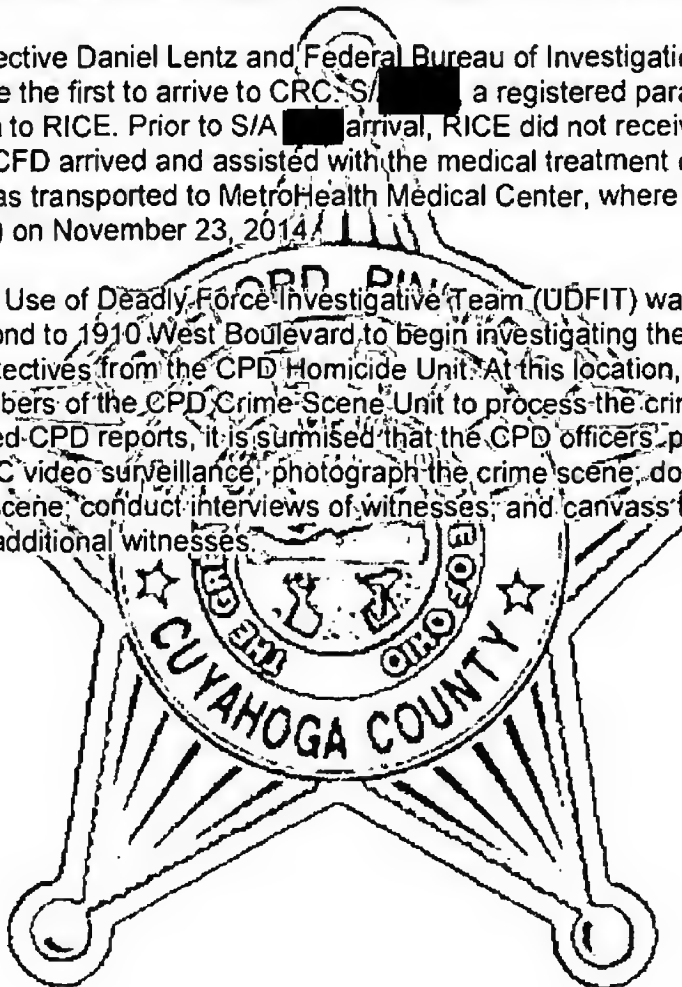
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Loehmann fired his weapon from a distance no greater than 7 feet.<sup>1</sup> Therefore, CCSD Investigators estimate that Officer Loehmann discharged his weapon at a distance between 4.5 feet and 7 feet from RICE.

The next communication was received at approximately 1529 hours (3:29 pm) from Officer Garmback, who advised CPD dispatch that there had been shots fired at the CRC. Officer Garmback immediately requested Emergency Medical Service (EMS) to respond to the scene and shortly after that transmission, again requested that dispatch contact EMS and request that they "Step it up." Officer Garmback then radioed dispatch to contact Cleveland Fire Department (CFD) to respond to the scene. All communications described above occurred within the first 3.5 minutes after Officers Garmback's and Loehmann's initial arrival on scene.

CPD Detective Daniel Lentz and Federal Bureau of Investigation Special Agent (S/A) [REDACTED] were the first to arrive to CRC. S/A [REDACTED] a registered paramedic, began to provide medical attention to RICE. Prior to S/A [REDACTED] arrival, RICE did not receive medical attention. A short time later, CFD arrived and assisted with the medical treatment of RICE. Upon the arrival of EMS, RICE was transported to MetroHealth Medical Center, where he later expired at 0054 hours (12:54 am) on November 23, 2014.

The CPD Use of Deadly Force Investigative Team (UDFIT) was contacted by the CPD dispatch to respond to 1910 West Boulevard to begin investigating the incident. CPD/UDFIT is comprised of Detectives from the CPD Homicide Unit. At this location, the CPD/UDFIT was assisted by members of the CPD Crime Scene Unit to process the crime scene. Through the review of redacted CPD reports, it is surmised that the CPD officers' primary actions were to: preserve the CRC video surveillance, photograph the crime scene, document the relevant locations at the scene, conduct interviews of witnesses, and canvass the area of the recreation center to locate additional witnesses.



<sup>1</sup> Within the software, the measurements were taken from the "B" pillar of the passenger side of the vehicle to the northwestern edge of the concrete base of the gazebo; See the attached screen shot of the approximate measurements taken by investigators utilizing the Scene WebShare software (File #9 BCI 360, Scene WebShare.pdf).



## CUYAHOGA COUNTY SHERIFF'S DEPARTMENT

PARTIES INVOLVED

## OFFICER #1

NAME: FRANK GARMBACK  
 DOB: [REDACTED]  
 AGE: 47  
 RACE: WHITE  
 ASSIGNMENT: 1<sup>ST</sup> DISTRICT PATROL  
 BADGE #: 1582  
 APPOINTMENT DATE: FEBRUARY 25, 2008  
 WEAPON: ISSUED  
 MAKE: GLOCK  
 MODEL: 19  
 CALIBER: 9MM  
 SERIAL#: MPD913  
 CAPACITY: 15+1

CPD Homicide Lieutenant Ronald Timm inspected Officer Garmback's firearm. Lieutenant Timm determined the weapon had not been fired and, therefore, it was not confiscated.

## OFFICER #2

NAME: TIMOTHY LOEHMANN  
 DOB: [REDACTED]  
 ASSIGNMENT: 1<sup>ST</sup> DISTRICT PATROL  
 AGE: 26  
 RACE: WHITE  
 BADGE #: 1231  
 APPOINTMENT DATE: DECEMBER 4, 2013  
 WEAPON: ISSUED  
 MAKE: GLOCK  
 MODEL: 17  
 CALIBER: 9MM  
 SERIAL#: FTX169  
 CAPACITY: 17+1

CPD Homicide Lieutenant Ronald Timm secured and inspected Officer Loehmann's weapon. The weapon was found to contain fifteen (15) rounds in the magazine and one (1) in the chamber. A total of two (2) rounds were fired during this incident. Loehmann's weapon was confiscated and taken as evidence.

Officer Loehmann suffered a left ankle sprain during the use of deadly force incident, and he was transported to Fairview Hospital by Cleveland EMS. Officer Loehmann was treated and released.

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## ATTIRE

Officers Garmback and Loehmann were dressed in designated CPD, law enforcement uniform with a visible badge on the outer carrier. There were CPD designation patches on each shoulder, and the officers were wearing a ballistic vest housed in an outer carrier. Both officers wore duty utility belts containing the following departmentally issued items: gun holster holding a service weapon; magazine pouches; flashlight; Taser; and portable radio.

## DECEDENT

NAME: TAMIR ELIJAH RICE  
 DOB: JUNE 25, 2002  
 SSN: XXX- [REDACTED]  
 ADDRESS: [REDACTED] ST; Cleveland, OH  
 NEXT OF KIN: SAMARIA RICE (MOTHER)  
 DOB: [REDACTED]  
 SSN: [REDACTED]  
 ADDRESS: [REDACTED] ST; Cleveland, OH  
 WEAPON ON SCENE: CLIFFORD REPLIC FIREARM (RF)  
 MAKE: COLT  
 MODEL: 1911 TARGET PISTOL  
 DESCRIPTION: PLASTIC, SPRING-POWERED AIR SOFT  
 PISTOL, EASY SLIDE-PUMP FOR QUICK  
 LOADING, LASER SIGHT, MUZZLE  
 VELOCITY: 230 FT/SEC  
 PRODUCT DIMENSIONS: 11.25x2.0x6.76 (INCHES)  
 MAGAZINE: 13 BB's

## MORGUE

The decedent arrived at the Cuyahoga County Medical Examiner's Office (CCMEO) on November 23, 2014. The post mortem examination was conducted by Dr. Thomas P. Gilson, M.D., Medical Examiner of Cuyahoga County, Ohio, on November 24, 2014.

## CAUSE OF DEATH

Gunshot wound of torso with injuries of major vessel, intestines, and pelvis.

## MANNER OF DEATH

Homicide

## CUYAHOGA COUNTY SHERIFF'S DEPARTMENT

INVESTIGATIVE PROCESS

## OBTAINING OFFICIAL CPD RECORDS

On January 2, 2015 [then] CCSD Chief Clifford Pinkney notified CCSD Detectives that the CCSD would assume the UDF investigation pertaining to the incident which resulted in the death of RICE. The following is a timeline summary from acceptance of the investigation by the CCSD to the receipt of the redacted case file from the CCPO.

DATE	ASSIGNMENT
1/2/15	CCSD assumes responsibility of RICE investigation. CCSD receives the initial disclosure of the CPD/UDFIT investigative file from the City of Cleveland Law Director Barbara Langhenry.
1/5/15	CCSD Detectives meet with CCPO Assistant Prosecuting Attorneys (APA) Matt Meyer and James Gutierrez to discuss the investigation, subpoenas, and potential search warrants involved in the case. CCSD delivers case file to CCPO APA Carl Sullivan to redact the file for any <i>Garrity v. New Jersey</i> , 385.U.S. 493 (1967) statements.
1/7/15	CCSD requests CCPO to issue subpoenas for documents to the following entities: City of Cleveland, City of Euclid, City of Parma Heights, City of Independence, Cleveland Metropolitan School District, Ohio Peace Officer Training Academy, Cleveland Heights Police Academy, Akron Police Department. CCPO delivers subpoenas the following day (1/8/15).
1/8/15	CCSD requests a complete, un-redacted RICE file from the City of Cleveland.
1/12/15	CCSD receives documents requested from various entities.
1/14/15	CCSD Detectives meet with agents from the Ohio Attorney General's Office Bureau of Criminal Investigation (BCI) to discuss assistance in the utilization of current crime scene technology and methodology.
1/16/15	CCSD Detectives receive a copy of sealed, un-redacted version of RICE investigation file from City of Cleveland Law Department. CCSD delivers RICE file to CCPO to redact any <i>Garrity v. New Jersey</i> , 385.U.S. 493 (1967) statements.
1/22/15	CCPO provides CCSD Detectives with a list of witnesses that were interviewed by CPD/UDFIT.
1/23/15	CCPO issued additional subpoenas to agencies in connection with the investigation.
1/26/15	CCSD Detectives obtain the original Digital Video Recorder (DVR) from CRC.
2/13/15	CCPO provides CCSD Detectives with three (3) compact disks containing all reports, recordings, and videos associated with the CPD/UDFIT investigative file.

**BACKGROUND ON PARTIES INVOLVED**

**OFFICER FRANK GARMBACK**

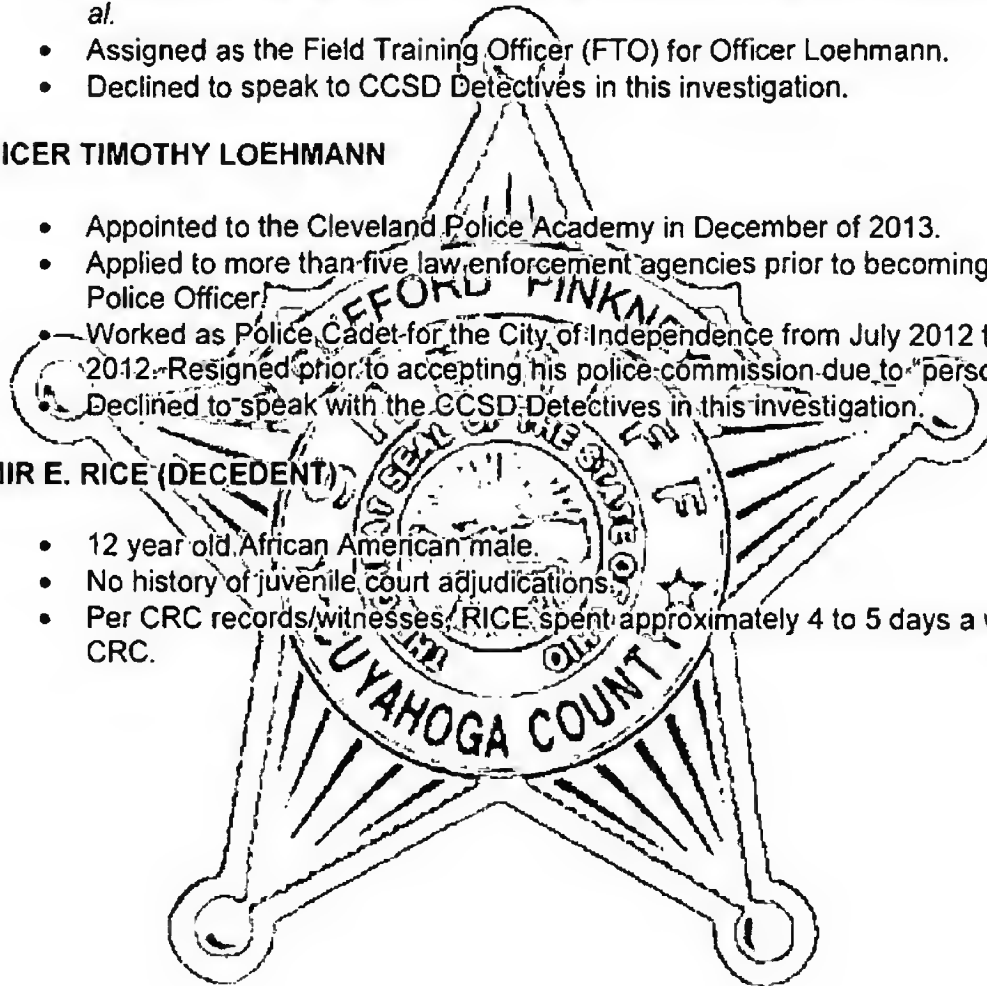
- Appointed to the Cleveland Police Academy in 2008.
- Four (4) registered complaints with the office of professional standards.
  - Two (2) were "unfounded".
  - One (1) was administratively withdrawn.
  - One (1) was a civilian withdrawal.
- Was named in a 42 U.S.C. 1983 civil action in 2012, captioned: *Eaton v. Guerra et, al.*
- Assigned as the Field Training Officer (FTO) for Officer Loehmann.
- Declined to speak to CCSD Detectives in this investigation.

**OFFICER TIMOTHY LOEHMANN**

- Appointed to the Cleveland Police Academy in December of 2013.
- Applied to more than five law enforcement agencies prior to becoming a Cleveland Police Officer.
- Worked as Police Cadet for the City of Independence from July 2012 to December 2012. Resigned prior to accepting his police commission due to "personal reasons".
- Declined to speak with the CCSD Detectives in this investigation.

**TAMIR E. RICE (DECEDENT)**

- 12 year old African American male.
- No history of juvenile court adjudications.
- Per CRC records/witnesses, RICE spent approximately 4 to 5 days a week at the CRC.



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WITNESS INTERVIEWS<sup>2</sup>

- Interviewed February 12, 2015.
- Neighbor of Rice family.
- Didn't know the mother; felt children did not have a lot of adult supervision.
- Believed RICE was very respectful of his mother.

- Interviewed February 18, 2015.
- Located Facebook.com page for "Sam Rice" and brother of Tamir Rice.

- Interviewed February 27, 2015.
- Federal Bureau of Investigation Special Agent and registered paramedic.
- Investigating a bank robbery with Cleveland Police Detective Lentz and was in the area when the "shots fired" call came for CRC.
- Arrived at scene between three (3) and four (4) minutes after the incident.
- First to provide medical care to RICE. Received assistance from a CPD officer in providing aid to RICE prior to CPD arriving on scene. He thought assistance was rendered by the training officer (Garmback).
- Cleared RICE'S airway while another officer applied pressure to the wound.
- Stated that RICE made some sort of reference to a firearm.
- Assessed Loehmann, described him as distraught, complained of pain in his leg and ankle area.
- Reported that Officer Loehmann told him that the subject had a gun and reached for it after telling him to show his hands.

## RONALD FIELDS

- Interviewed March 5, 2015.
- CRC manager.
- Was not at the CRC when the incident occurred, but assisted investigators in identifying juveniles seen (on surveillance video) with RICE during the day.
- Provided information on the CRC personnel working on November 22, 2014.

- Interviewed March 5, 2015.
- "911 caller" on November 22, 2014.
- Was seated in the gazebo area and noticed an African American male with a gun.
- Described male as "probably" a juvenile waving a "fake" gun. Said the male was pulling the gun in and out of his waist band and pointing it at people. Claims that the person was "acting gangster."
- Indicated he was not sure if the gun was real.
- Left the park while concluding the call. Did not know what happened until either later that day or the next day.

<sup>2</sup> In order by date interview conducted

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- Thought RICE was 20, but still told the dispatcher that he may have been a juvenile.

- Interview conducted telephonically March 9, 2015.
- [REDACTED] name was provided on the original witness list obtained from the CPD/UDFIT file.
- Stated that she did not witness the incident, but heard screaming.

- Interviewed telephonically March 9, 2015.
- [REDACTED] name was provided on original witness list obtained from the CPD/UDFIT file.
- Stated that she was at work when the incident occurred.

- Interviewed March 11, 2015.
- Best friends with RICE.
- Disclosed that he provided RICE the "RF" that day in exchange for a cellular telephone which had Wi-Fi capability.
- Explained that the RF malfunctioned and disassembled the weapon to repair it.
- Was unable to get the "orange tip" back on the barrel during reassembly.
- While watching the video, explained to investigators when he provided RICE with the RF.
- Explained that RICE was shooting the RF at [REDACTED] and [REDACTED] (RICE's sister).
- Told RICE to be careful because the RF "looked real."

## JESSICA ORTIZ

- Interviewed March 13, 2015.
- Recreational Instructor Level 1 at the CRC.
- Remembered RICE coming to the CRC that afternoon.
- Ortiz left the CRC on her lunch break at the time that the incident occurred.
- Assisted investigators in learning the identity of other juveniles at the CRC from November 22, 2014.

- Interviewed March 16, 2015.
- [REDACTED]'s name was provided on the original witness list obtained from the CPD/UDFIT file.
- [REDACTED] did not witness the incident and did not have any information to assist in this investigation.

- Interviewed March 18, 2015.
- EMS paramedic.
- Assisted CFD with patient care while at the scene and in the back of the unit.
- Arrived at the CRC approximately eight (8) minutes after the incident occurred.
- Stated that RICE was unresponsive while en route to MetroHealth Medical Center.

- Interviewed March 20, 2015.
- Former art teacher of RICE at Marion-Seltzer Elementary School.

**JOE WISE**

- Interviewed March 20, 2015.
- Supervisor for "Old Tymers" basketball team at the CRC.
- Witnessed a "young male" (RICE) pointing a gun at the ground.
- No one else was present, so he did not focus on RICE to alarm him.

**JANELL RUTHERFORD**

- Interviewed March 20, 2015.
- Supervisor 1<sup>st</sup> District Basic Patrol Division; 17 years as a Cleveland Police Officer; 11 years as a sergeant with CPD.
- Only supervisor for the entire 1<sup>st</sup> district at the time of the incident.
- Arrived on scene approximately same time as EMS.
- Believed RICE appeared to be Sixteen (16) to Eighteen (18) years of age.

- Interviewed March 20, 2015.
- Knew RICE from the CRC.
- Was at CRC with [REDACTED] on November 22, 2014.
- Interacted with RICE prior to the incident and observed RICE and another boy shooting the gun at the tires of parked cars.

- Interviewed March 27, 2015.
- Approximately 315 feet (east of CRC on West 98<sup>th</sup> St; Cleveland, OH) from incident when incident occurred.
- Entering a friend's vehicle when she heard "Pop Pop... Freeze let me see your hands... Pop."

- Interviewed April 2, 2015.
- Only knew RICE from the CRC.
- Stated that Rice would hang around a male identified as [REDACTED] and [REDACTED]
- On November 22, 2014, [REDACTED] and [REDACTED] interacted with RICE at the CRC; RICE had a BB gun and they were shooting BB's at the trailers by the school.
- RICE kept the gun inside of his waistband [REDACTED] and [REDACTED] didn't see the incident but heard what sounded like three gunshots.
- After the incident, [REDACTED] informed [REDACTED] that [REDACTED] provided RICE with the gun.

- Interview attempted April 6, 2015.
- Provided an interview with CPD/UDFIT. (redacted)
- Declined to be interviewed by the CCSD for this investigation.

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## BETH MANDL

- Interviewed April 8, 2015.
- Dispatcher with the City of Cleveland since 2010.
- Assigned to CPD Communication Center working as 1<sup>st</sup> District Dispatcher on November 22, 2014.
- Provided overview of the process of how 911 calls are routed; clarified that dispatchers do not have contact with 911 callers.
- The call taker determines if the call is to be routed to EMS, Fire, or Police.
- Call taker documents the information and then transfers the information electronically to the dispatcher responsible for the zone where the emergency is located.
- Was not aware that the 911 caller [REDACTED] had stated that the suspect may be a juvenile or that the weapon could be fake.

## OFFICER WILLIAM CUNNINGHAM

- Interviewed April 8, 2015.
- Began his career with CPD in September of 2000; assigned to Fifth District Patrol, A Platoon; November of 2014, assigned to CPD Downtown Service Unit (DSU).
- Has worked off-duty at CRC every Saturday for 4 years.
- On November 22, 2014, a young man told him that someone was outside of the CRC shooting, but he did not investigate until he was told that the police had just shot someone outside of the CRC.
- Once outside, he heard a girl scream and watched as RICE'S sister ran by him towards the gazebo.
- Stated that Officer Loehmann stopped her from entering the crime scene.
- Stated that Officer Loehmann did not slam her to the ground; but that she slipped on the wet grass as he put his arms out to stop her.
- Stated that it was his idea to handcuff [REDACTED] RICE and place her in the back of the zone car because she was out of control screaming and kicking "You killed my brother."
- Stated that Officer Loehmann was very distraught.
- Officer Loehmann told Cunningham, "He gave me no choice. He reached for the gun and there was nothing I could do."

## CONSTANCE HOLLINGER

- Interviewed April 29, 2015.
- Dispatcher for City of Cleveland for 19 years.
- She was the call taker on November 22, 2014.
- Explained that call takers are responsible for both emergency (911) calls and non-emergency calls to Police, Fire, and EMS in the City of Cleveland.
- Described that call takers are responsible for obtaining pertinent information from the caller (i.e. name, address, location, and reason for call).
- Also responsible for assigning a priority to the call received and transferring the call electronically to the primary dispatcher for that zone.
- Refused to answer questions (per her attorney) about not relaying specific information related to the 911 call on November 22, 2014.



- Interviewed May 14, 2015.
- Stated that she was the person in the video surveillance footage from the CRC seen walking with RICE in front of the gazebo carrying a white bag.
- While leaving through the rear of CRC, stopped and talked to a female she identified as RICE'S girlfriend (actually RICE'S sister.)
- Walked to CVS to purchase some items.
- Walked through CRC on way home and encountered RICE; she met with RICE at the swings where he shows her the weapon (per video surveillance).
- Does not recall RICE having the weapon out during their conversation in front of the gazebo.

**OFFICER RICARDO ROMAN**

- Interviewed May 28, 2015.
- CPD Officer since January 2011; assigned to First District Patrol.
- Roman and his partner (Zverina) were headed to the CRC when they heard the "shots fired" broadcast.
- On scene, he observed an FBI Agent [REDACTED] and Officer Garmback providing medical attention to the suspect.
- Recalls RICE lying on the grass and observed, "...a black automatic handgun" on the ground near the "suspect".
- Described the "suspect" as "a black male, early twenties and easily over two hundred pounds".
- Believed the weapon was real until he looked closer at the magazine; even then, he still believed the weapon was real.
- Spoke to Loehmann only in regards to his injured ankle; did not have a conversation with Garmback.

**OFFICER KEN ZVERINA**

- Interviewed May 28, 2015.
- Cleveland Police Officer for 3.5 years; assigned to First District Patrol and partnered with Officer Roman.
- Observed a "full frame black semi-auto" just north of the suspect on the grass.
- Stated that "Suspect (RICE)" was lying on the ground and he believed he was 18-20 years of age, 6'0", and 200 pounds.
- Engaged in conversation with Loehmann about his ankle pain, but did not have any conversations with Garmback.
- Set up a perimeter to protect the crime scene.

**OFFICER LOU KITKO**

- Interviewed May 28, 2015.
- Cleveland Police Officer for 18 years; currently assigned as a Patrol Officer on the First District, one man car.
- On another assignment when "shots fired" was broadcast.
- Entered the CRC through the parking lot.
- Informed by Officer Garmback that it was an officer involved shooting.
- Contacted the Cleveland Police Union.
- Recalled the male lying on the ground and there was a firearm lying next to him; firearm appeared to be a semi-automatic handgun, black in color and real.

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- Went inside of the CRC and advised staff that CPD would need a copy of the surveillance video.
- Attempted to calm down Officer Loehmann.
- Told by Loehmann that "They arrived at the scene, yelling commands at the kid, they stopped the car and the kid went for the firearm and pulled it out."
- Officer Loehmann then informed Officer Kitko that he (Loehmann) shot RICE.

## DETECTIVE DAN LENTZ

- Interviewed May 28, 2015.
- Employed with Cleveland Police for 18 years; CCW instructor; currently assigned to the First District Detective Bureau.
- On November 22, 2014, he was with FBI S/A [REDACTED] [REDACTED] conducting follow up to a bank robbery investigation.
- Responded to the CRC after hearing "shots fired" broadcast.
- Stated that S/A [REDACTED] began to provide medical attention to the wounded male (RICE).
- Checked on Officer Loehmann to determine his injuries.
- Observed a weapon in the vicinity of the wounded male; based on his knowledge and experience with weapons, he initially believed that the weapon was real.
- Discovered that the magazine and the ammunition were not real.
- While at the scene, stated that the wounded male's brother arrived and started a disturbance.
- Det. Lentz spoke with [REDACTED] while she was detained in the zone car.
- Det. Lentz and S/A [REDACTED] took the handcuffs off [REDACTED] but she remained in the back of the zone car.
- Det. Lentz learned from [REDACTED] that the wounded male was 12 years old.

## OFFICER TOM GRIFFIN

- Interviewed May 28, 2015.
- Cleveland Policeman for over 21 years; currently assigned to First District Patrol. Majority of his career has been in Basic Patrol with a short stint in a Vice unit.
- November 22, 2014 responded to CRC after broadcast of "shots fired."
- Once on the scene, he placed a bag over the firearm to protect it from the elements.
- Believed that it was an authentic firearm; later informed that the firearm was a replica.
- Assisted in setting up the perimeter and maintained the crime scene until the processing was completed.

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CUDELL RECREATION CENTER VIDEO SURVEILLANCE

- Ten cameras.
- Five hours of surveillance video; each beginning at 1100 hours to 1600 hours (11:00 am – 4:00 pm).
- Three cameras located inside the CRC.
- Seven cameras located outside CRC.
- Cameras may overlap coverage but are separate and function independently.
- The date and time appear to be accurate.
- Cross referenced time indicated in the cameras with CPD dispatch, witness statements, and log in time captured by the CRC.
- All cameras are operated and maintained by the CRC.
- The Digital Video Recorder (DVR) is located in the CRC main office.
- Camera 3 is mounted outside above the East Entrance/Exit of the CRC and was obstructed with ice; very little discernible video.
- RICE first appears on Camera 1, which is located on a utility pole outside, with a view of the gazebo facing East at 11:04:49 hours.
- RICE is viewed several different times from several different cameras throughout the day prior to the UDF incident.
- The UDF incident occurred at approximately 15:30:23 Hours on Cameras 1 and 4.

INTERVIEWS REQUESTED

- WKSU reporter Kabir Bhatia
  - No response
- CPD Officer Frank Garmback
  - Declined per Cleveland Police Patrolman's Association (CPPA)
- CPD Officer Timothy Loehmann
  - Declined per CPPA
- [REDACTED]
  - No show/refusal
- [REDACTED]
  - No show multiple occasions
- Samaria Rice
  - Declined per [REDACTED] (Samaria's Uncle)
- [REDACTED]
  - No response from Attorney Walter Madison

*\*The CCPO will make the determination whether any of the above listed individuals shall be required to testify before a Cuyahoga County Grand Jury.*

DOCUMENTS OUTSTANDING

- Video Compilation/enhancement being completed by the Ohio Attorney General's Office Forensic Audio and Video Analysis Unit.
- Photograph comparison from the Cuyahoga County Medical Examiner's Office.

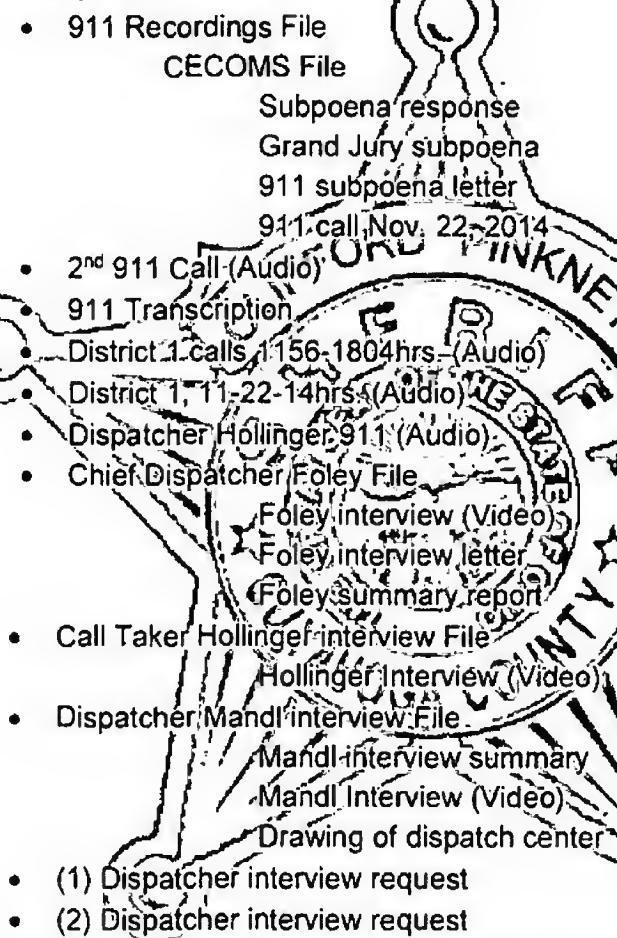
# CUYAHOGA COUNTY SHERIFF'S DEPARTMENT

## FINAL NOTES

This investigation was conducted with the purpose of determining, to the extent possible, the facts and circumstances surrounding this use of deadly force incident. As unbiased collectors of fact, the Cuyahoga County Sheriff's investigative team has not, and will not, render any opinion of the legality of the officers' actions. Instead, it is anticipated that this investigation will provide the basis of information for decisions to be rendered by Cuyahoga County Prosecutor's Office and/or the Department of Justice.

## INVESTIGATIVE FILES CONTENTS

### 1. 911-Dispatcher Folder

- 
- 911 Recordings File
    - CECOMS File
    - Subpoena response
    - Grand Jury subpoena
    - 911 subpoena letter
    - 911 call, Nov. 22, 2014
  - 2<sup>nd</sup> 911 Call (Audio)
  - 911 Transcription
  - District 1 calls 1156-1804hrs (Audio)
  - District 1, 11-22-14hrs (Audio)
  - Dispatcher Hollinger 911 (Audio)
  - Chief Dispatcher Foley File
    - Foley interview (Video)
    - Foley interview letter
    - Foley summary report
  - Call Taker Hollinger interview File
    - Hollinger interview (Video)
  - Dispatcher Mandl interview File
    - Mandl interview summary
    - Mandl interview (Video)
    - Drawing of dispatch center
  - (1) Dispatcher interview request
  - (2) Dispatcher interview request
  - (3) Dispatcher interview request follow up
  - (4) Dispatcher Foley decline interview letter
  - District 1 unit history forms
  - District 1 event summary forms
  - Hollinger summary report
  - Police Districts Maps

# CUYAHOGA COUNTY SHERIFF'S DEPARTMENT

## 2. Officer Timothy Loehmann Folder

- Akron Police Department File
  - Akron subpoena response
  - Summary Report
- Cuyahoga County Sheriff Application File
  - Application and resume
  - Agility scores
  - Subpoena service
  - Eligibility list
  - Human resource subpoena
  - Deputy Sheriff posting
  - Deputy Sheriff screening questions
  - Cleveland police records request form
  - Summary Report
  - Written cognitive assessment score
- Cleveland Heights Police Department File
  - Police academy documents
  - Summary report
- Euclid Police Department File
  - Civil Service application
  - Euclid Police business card
  - Euclid test scores
  - Personal history questionnaire
  - Personal history synopsis
  - Summary Report
- Independence Police Department File
  - Independence Roster
  - Subpoena memorandum
  - Subpoena response
  - Summary report
  - Search warrant report
  - Search warrant draft
  - Search warrant return
  - Second subpoena response
  - Second search warrant service
  - Subpoena response 1-12-15
  - Third Subpoena response
- Parma Heights Police Department File
  - Background applicant report
  - Subpoena satisfied
  - Subpoena services
  - Eligibility List
  - Grand Jury Subpoena

Hiring check list

Summary report

- (1) Cleveland range Officer Urbania conversation
- (2) Cleveland range Officer Urbania follow up
- (3) Range Records provided report
- CPD Administrative documents
- Duty weapon identifiers
- CPD firearms records
- Duty report 11-22-14
- OPOTC Records
- Personal identifiers
- Personnel file
- Medical Records
- OPOTA subpoena response
- Securitas application
- Securitas subpoena satisfied

3. Officer Frank Garmback File

- In Service Training File
- AVL Social media 2014
- Domestic Violence 2014
- Legal Update 2014
- Missing Person 2014
- Ordinance Unit Training
- Patrol Rifle nomenclature
- PTSD 2014
- Pursuit Policy 2014
- RTD
- Taser 2014
- Use of Force 2014
- Verbal Judo 2014
- In service training log

- Office of Professional Standards
  - Complaint withdrawn
  - Complaint unfounded
  - Complaint unfounded
  - Administrative withdrawal
- (1) Cleveland Range Officer Urbania conversation
- (2) Cleveland Range Officer Urbania follow up
- (3) Range Records provided report
- Duty weapon identifiers
- *Eaton v. Guerra*
- CPD firearms records

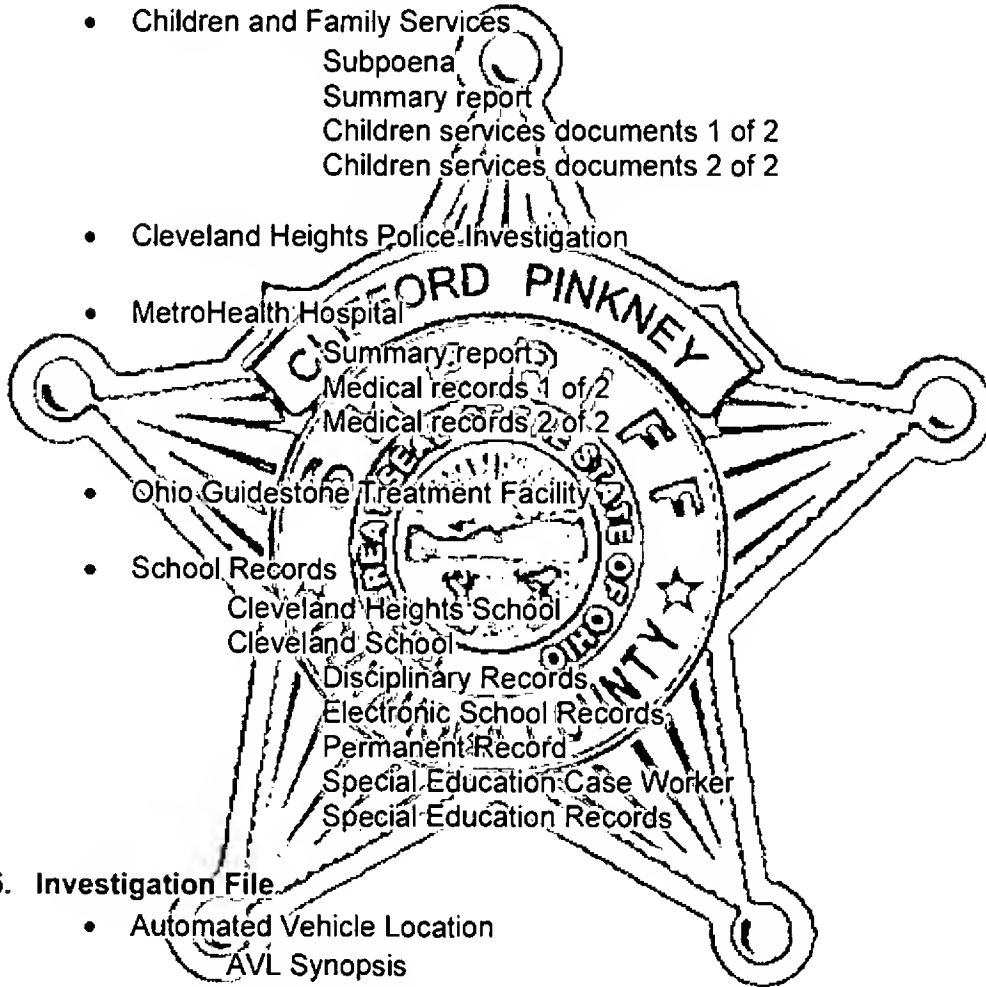
- OPOTC records
- Personnel file
- OPOTA subpoena response

**4. Tamir Rice File**

- Cellular Phone Search
  - BCI search warrant
  - Cellular phone extraction report
  - Cellular phone search warrant
- Children and Family Services
  - Subpoena
  - Summary report
  - Children services documents 1 of 2
  - Children services documents 2 of 2
- Cleveland Heights Police Investigation
- MetroHealth Hospital
  - Summary report
  - Medical records 1 of 2
  - Medical records 2 of 2
- Ohio Guidestone Treatment Facility
- School Records
  - Cleveland Heights School
  - Cleveland School
    - Disciplinary Records
    - Electronic School Records
    - Permanent Record
    - Special Education Case Worker
    - Special Education Records

**5. Investigation File**

- Automated Vehicle Location
  - AVL Synopsis
  - AVL Video
- CPD Crime Scene Photos
  - 152 Photos
- CVS File (Video)
- Colt Air pistol advertisement
- CPD Firearm lab reports
- CPD First on scene
- CPD responding
- CPD witness list
- Crime scene photo request



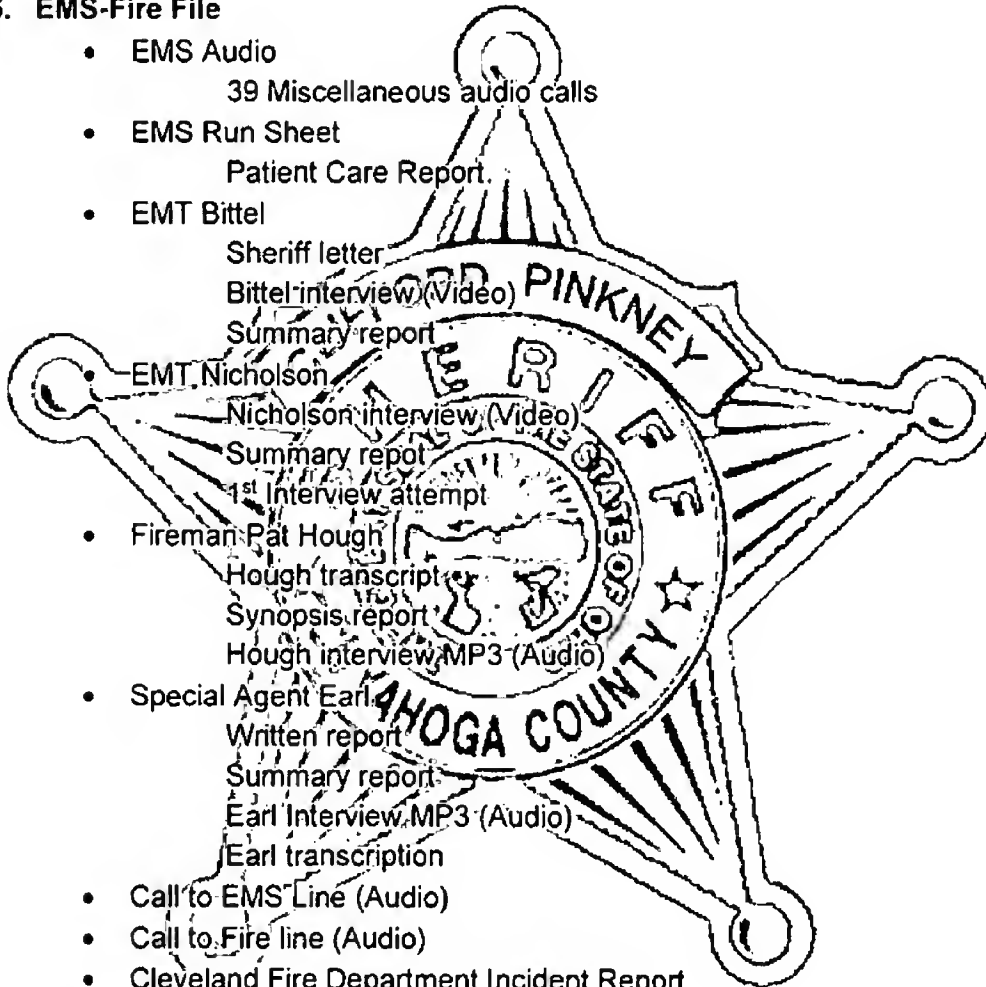
- Crime scene photo upload report
- (1) Interview request additional officers
- (2) Interview request additional officers
- (3) Interview request additional officers
- (4) Interview request additional officers
- Cudell Recreation video timeline summary
- Garmback-Loehmann duty assignments
- Officer Woyma interview

**6. EMS-Fire File**

- EMS Audio
  - 39 Miscellaneous audio calls
- EMS Run Sheet
  - Patient Care Report
- EMT Bittel
  - Sheriff letter
  - Bittel interview (Video)
  - Summary report
- EMT Nicholson
  - Nicholson interview (Video)
  - Summary report
  - 1st Interview attempt
- Fireman Pat Hough
  - Hough transcript
  - Synopsis report
  - Hough interview MP3 (Audio)
- Special Agent Earl
  - Written report
  - Summary report
  - Earl Interview MP3 (Audio)
  - Earl transcription
- Call to EMS Line (Audio)
- Call to Fire line (Audio)
- Cleveland Fire Department Incident Report

**7. Witness File**

- [REDACTED]
  - Summary
  - OHLEG Forms
- [REDACTED]
  - Leads print out 2 of 3
  - Leads print out 1 of 3





Leads print out 3 of 3

Interview (Video)

Summary report

- Det. Daniel Lentz

(1) Contact attempt

(2) Tentative Interview

(3) Interview follow-up

(4) Interview confirmation

(5) Interview delay per prosecutor talks

Interview summary

Interview (Video)

Scene photos

- [REDACTED] interview (Video)

Summary report

OHLEG Forms

- [REDACTED] transcription

summary report

MP3 (Audio)

OHLEG Forms

- Jessica Ortiz

Ortiz interview (Video)

Summary report

OHLEG Forms

- [REDACTED] interview (Video)

Summary report

OHLEG Forms

- JV Witnesses

[REDACTED]  
Synopsis

[REDACTED] Interview (Video)

Kabir Bhatia report

[REDACTED] part 1 MP3 (Audio)

[REDACTED] part 2 MP3 (Audio)

Interview request [REDACTED]

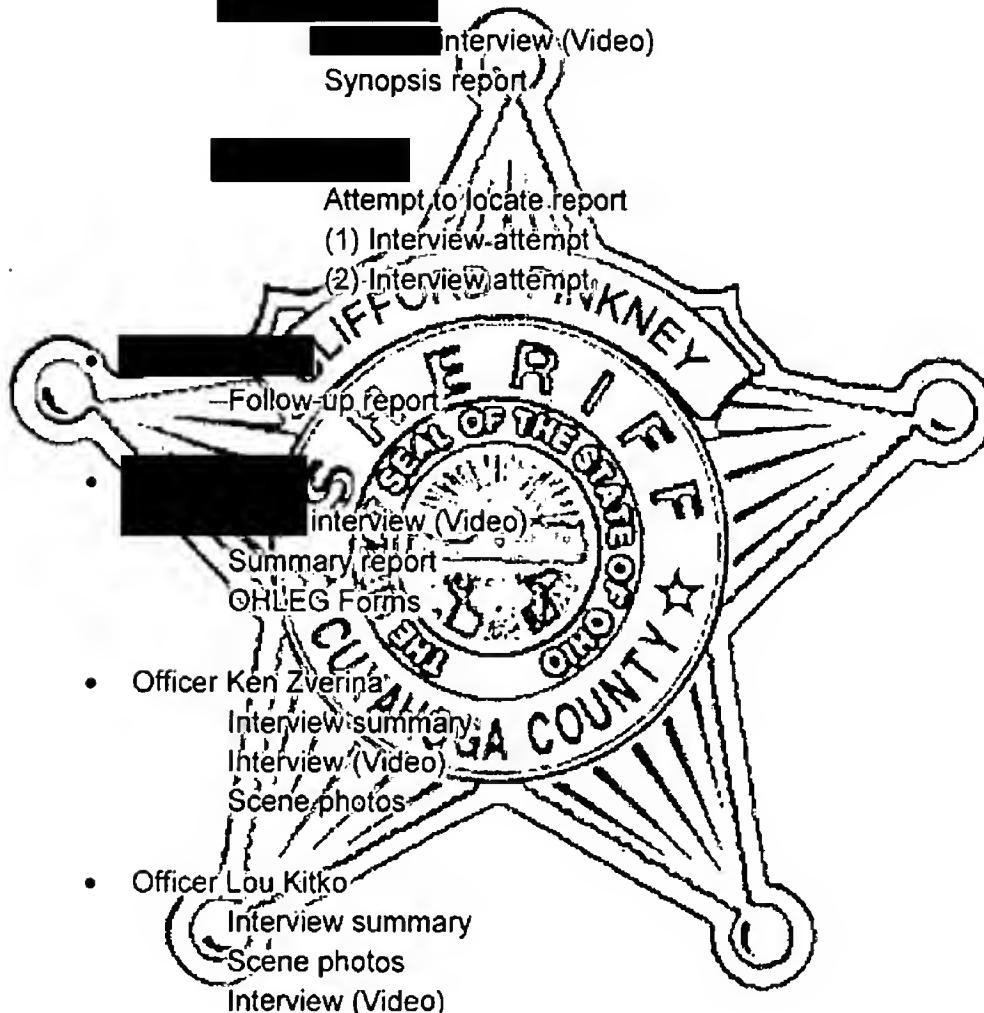
WKSU [REDACTED] audio 50 sec. MP3 (Audio)

WKSU Request  
WKSU Summary report  
WKSU Grand Jury Subpoena

[REDACTED]  
Synopsis report  
MP3 (Audio)  
[REDACTED] father phone call report

[REDACTED]  
[REDACTED] interview (Video)  
Synopsis report

[REDACTED]  
Attempt to locate report  
(1) Interview-attempt  
(2) Interview attempt



[REDACTED]  
-Follow-up report

[REDACTED]  
[REDACTED] interview (Video)  
Summary report  
OHLEG Forms

- Officer Ken Zverina  
Interview summary  
Interview (Video)  
Scene photos

- Officer Lou Kitko  
Interview summary  
Scene photos  
Interview (Video)

- Officer Ricardo Roman  
Interview summary  
Interview (Video)  
Scene photos

- Officer Tom Griffin  
Interview summary  
Scene pictures

Interview (Video)

- Officer William Cunningham  
Interview request  
Synopsis of interview  
Cunningham interview (Video)  
Grand Jury subpoena

- [REDACTED]  
Summary report  
OHLEG Forms  
[REDACTED] interview (Video)

- [REDACTED]  
OHLEG Forms  
[REDACTED] interview (Video)  
Summary report

- Sgt. Janell Rutherford  
Summary report  
Rutherford interview (Video)

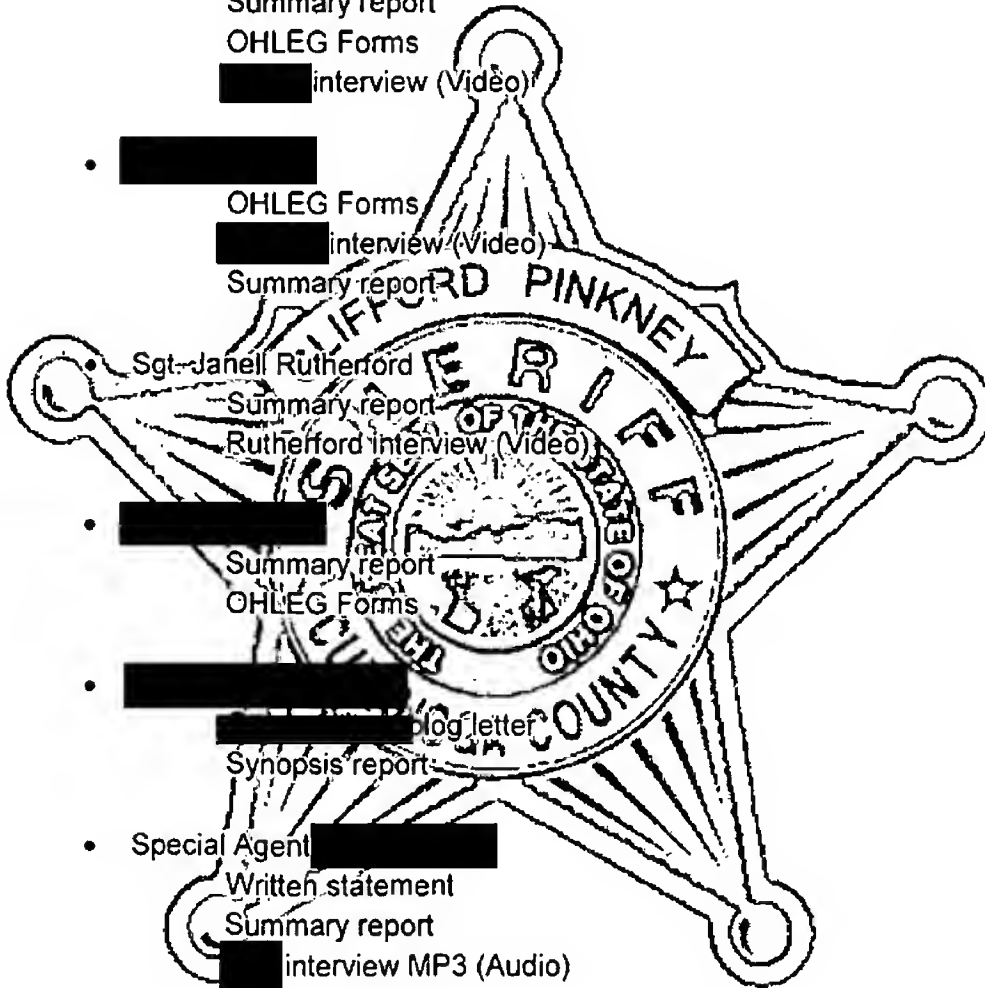
- [REDACTED]  
Summary report  
OHLEG Forms

- [REDACTED]  
[REDACTED] blog letter  
Synopsis report

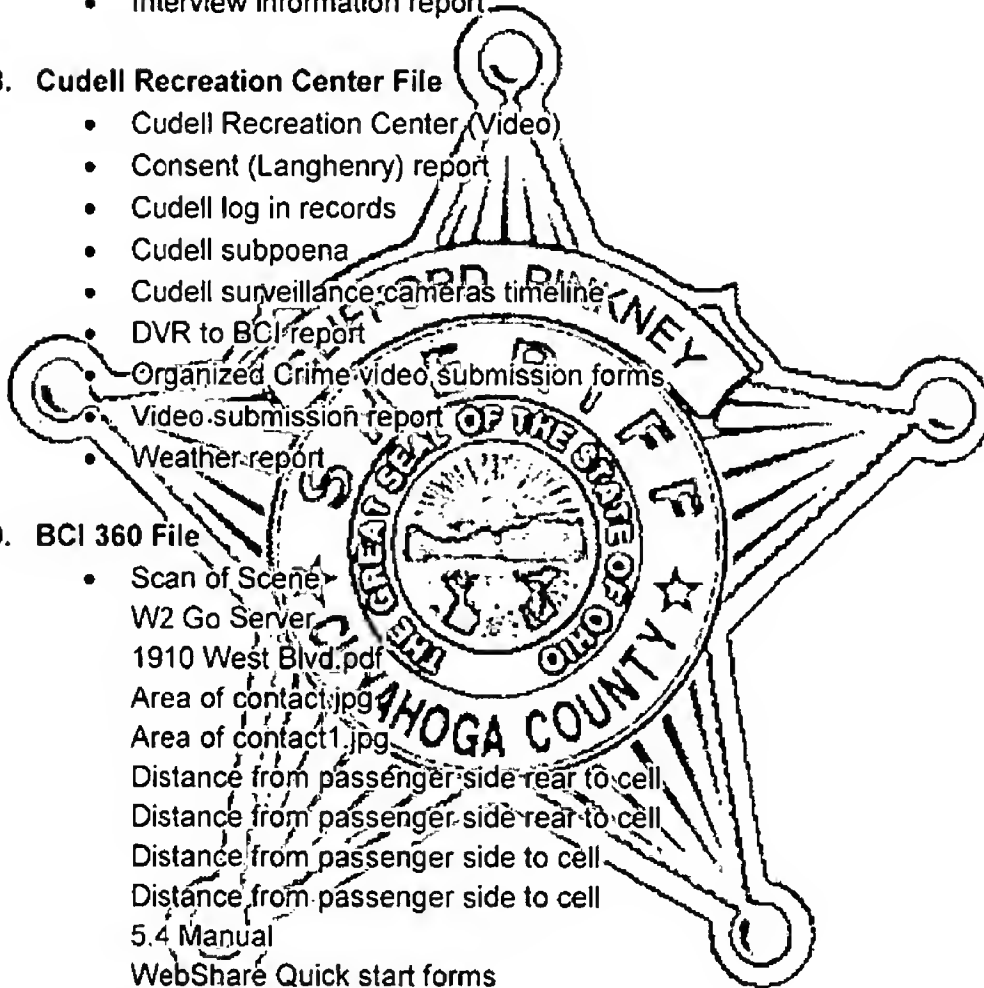
- Special Agent [REDACTED]  
Written statement  
Summary report  
[REDACTED] interview MP3 (Audio)  
[REDACTED] transcription

- [REDACTED]  
Interview attempts report

- [REDACTED]  
Summary report  
OHLEG Forms



- [REDACTED]
  - Folder with 36 photos
  - Photo report
  - OHLEG Forms
  - Summary report
  - Phone call report
  - Message report
  - [REDACTED] MP3 (Audio)
- Interview information report
- 8. Cudell Recreation Center File
  - Cudell Recreation Center (Video)
  - Consent (Langhenry) report
  - Cudell log in records
  - Cudell subpoena
  - Cudell surveillance cameras timeline
  - DVR to BCI report
  - Organized Crime video submission forms
  - Video submission report
  - Weather report
- 9. BCI 360 File
  - Scan of Scene
    - W2 Go Server
    - 1910 West Blvd.pdf
    - Area of contact.jpg
    - Area of contact1.jpg
    - Distance from passenger side rear to cell
    - Distance from passenger side rear to cell
    - Distance from passenger side to cell
    - Distance from passenger side to cell
    - 5.4 Manual
    - WebShare Quick start forms
    - Edge Photo of pavilion
    - Overhead with pavilion roof
    - Overhead with pavilion roof 1
    - Overhead with placards
    - Overhead with placards 1
    - Start scene
    - Video1 of Scene
    - View from passenger front
    - View from passenger front 1



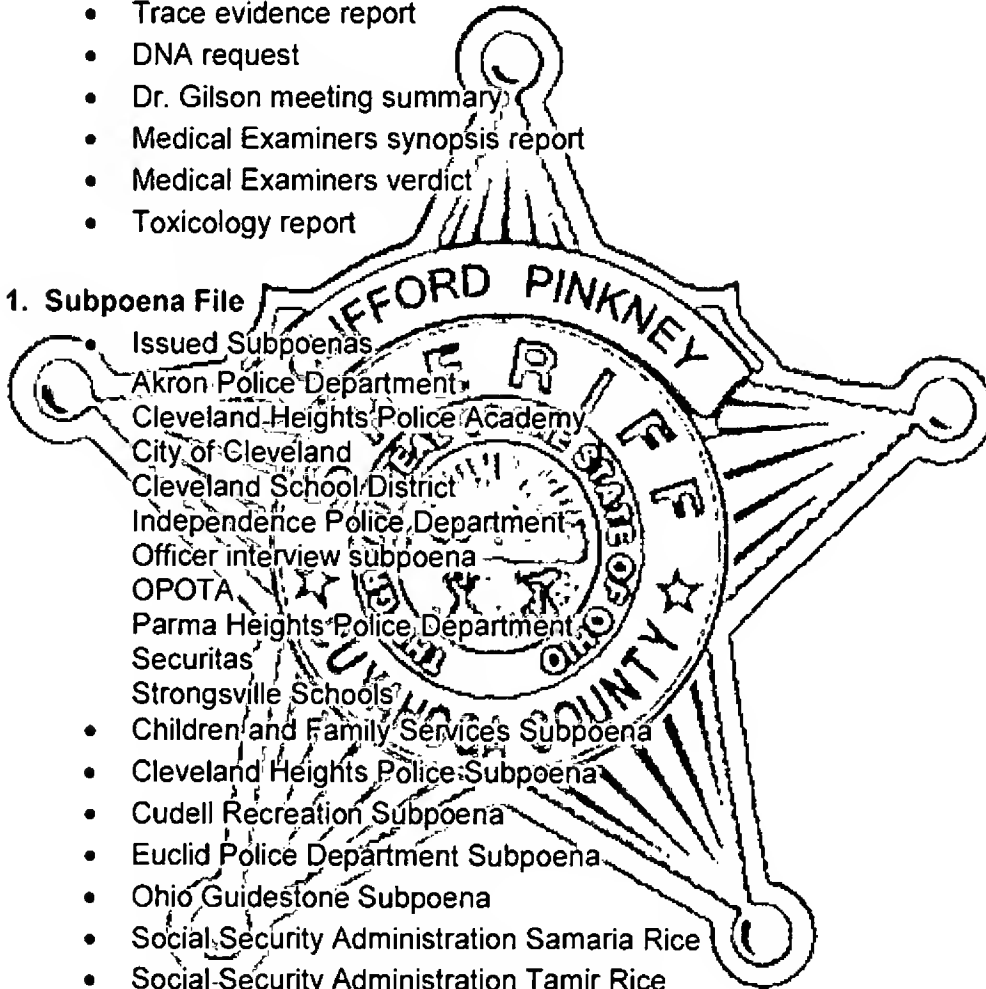
- Photos of 2014 Dodge Charger  
11 Photos
- BCI Report
- BCI Video compilation request
- SCENE WebShare.pdf

**10. Medical Examiners File**

- 2nd Meeting report
- DNA report
- Trace evidence report
- DNA request
- Dr. Gilson meeting summary
- Medical Examiners synopsis report
- Medical Examiners verdict
- Toxicology report

**11. Subpoena File**

- Issued Subpoenas
  - Akron Police Department
  - Cleveland Heights Police Academy
  - City of Cleveland
  - Cleveland School District
  - Independence Police Department
  - Officer interview subpoena
  - OPOTA
  - Parma Heights Police Department
  - Securitas
  - Strongsville Schools
- Children and Family Services Subpoena
- Cleveland Heights Police Subpoena
- Cudell Recreation Subpoena
- Euclid Police Department Subpoena
- Ohio Guidestone Subpoena
- Social Security Administration Samaria Rice
- Social Security Administration Tamir Rice
- Subpoena Issued 1-7-2015
- Subpoena Issued 1-9-15
- Subpoena Issued 1-15-15
- Subpoena service to Akron Police
- Subpoena Tracker report



**12. Facebook**

- Facebook Profiles
- Tamir Rice Pages
- [REDACTED] Pages

**13. General Police Orders**

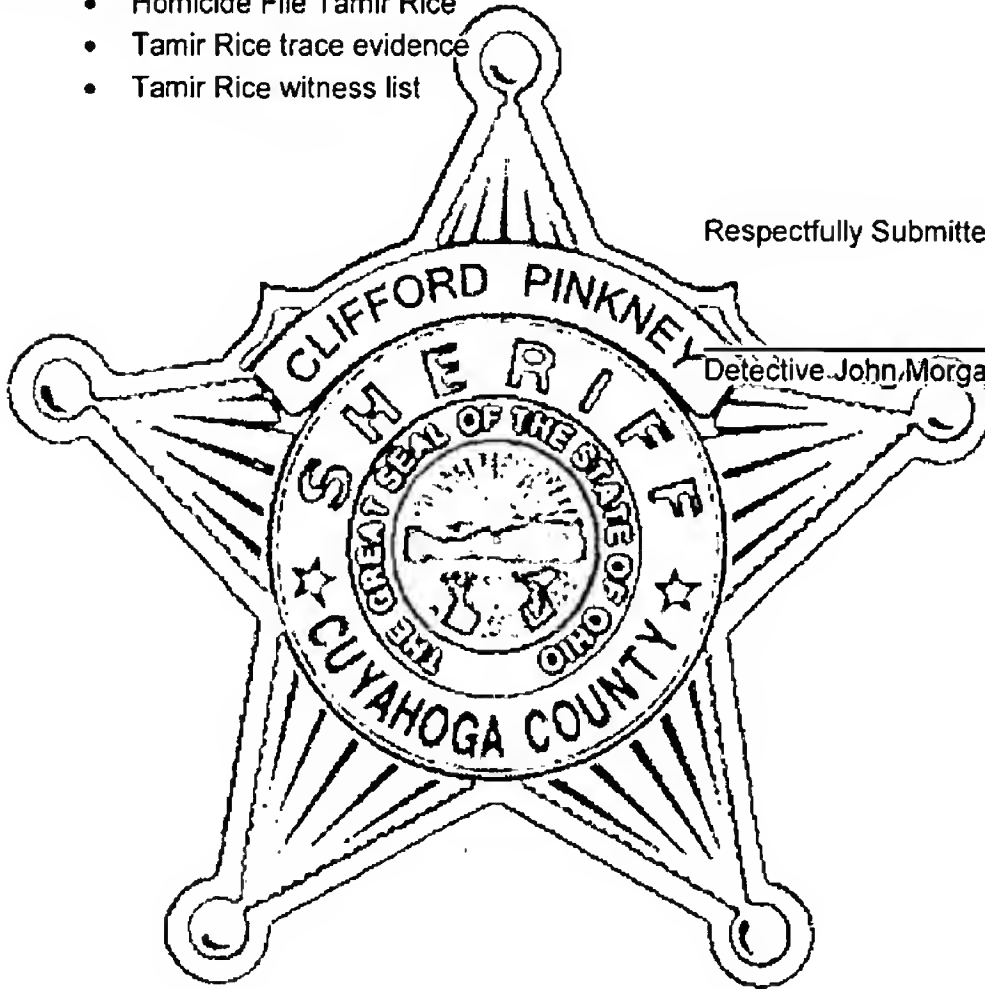
- General Police Order Book (11-21-14)

**14. Redacted CPD File**

- Homicide File Tamir Rice
- Tamir Rice trace evidence
- Tamir Rice witness list

Respectfully Submitted,

Detective John Morgan #241



CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-00004

DATE 1-23-2015

FROM Detective John Morgan #241

TO Sergeant Sharpe

SUBJECT Cudell Recreation Center Subpoena

COPIES TO Lt. Smith, File

---

On January 23, 2015 while assigned to the Cuyahoga County Sheriff's Detective Bureau and in company with Detective David Jacobs, were given an assignment by Sergeant Eugene Sharpe to conduct a follow up investigation into a Cleveland Police Use of Deadly Force incident which occurred on November 22, 2014. The following is result of that investigation.

On January 20, 2015 investigators delivered Cuyahoga County Grand Jury Subpoena number 1008380 to Ron FIELDS, Manager of Cudell Recreation Center requesting items from the facility.

On January 23, 2015 investigators returned to the recreation center to retrieve the original Digital Video Recorder requested, then preceded to the City of Cleveland's Law Department to retrieve the sign in logs requested from the Cudell Recreation Center from October 1, 2014 through November 23, 2014.

This matter to be further investigated.

Detective John Morgan #241

CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-00004

DATE 1-26-2015

FROM Detective John Morgan #241

TO Sergeant Sharpe

SUBJECT Transfer of DVR to BCI

COPIES TO Lt. Smith, File

---

On January 26, 2015 while assigned to the Cuyahoga County Sheriff's Detective Bureau, writer was given an assignment by Sergeant Eugene Sharpe to conduct a follow up investigation into a Cleveland Police Use of Deadly Force incident which occurred on November 22, 2014. The following is result of that investigation.

On January 23, 2014 writer obtained through Cuyahoga County Grand Jury Subpoena the original Digital Video Recorder (DVR) from the Cudell Recreation Center which recorded the Use of Deadly Force incident on November 22, 2014.

On this date writer transported the DVR to Ohio Bureau of Criminal Investigation (OHBCI) located at 4055 Highlander Parkway, Richfield, Ohio and turned over the DVR to Alissa KRAEMER, OHBCI, to place into evidence at this facility. OHBCI will attempt to recover the original video from the DVR.

This matter to be further investigated.

Detective John Morgan #241



## CUYAHOGA COUNTY SHERIFF'S OFFICE

015-00

FILE NO. 15-00004

DATE 1-29-13

FROM Detective John Morgan #241  
SUBJECT Review of Cudell Recreation Center  
sign-in logs  
COPIES TO Lt. Smith, File

TO Sergeant Sharpe

On January 28, 2015 while assigned to the Cuyahoga County Sheriff's Detective Bureau writer was given an assignment by Sergeant Eugene Sharpe to conduct a follow up investigation into a Cleveland Police Use of Deadly Force incident which occurred on November 22, 2014. The following is result of that investigation.

On January 23, 2015 writer received the sign-in logs from the Cudell Recreation Center located at 1910 West Boulevard, Cleveland, Ohio dated October 1, 2014 through November 23, 2014. Writer searched the documents to determine how often the decedent in this case, Tamir RICE, used the facilities at the recreation center. It is important to note that visitors of the recreation center are only required to sign-in not sign-out. The following is a list of dates and times which Tamir RICE signed in during that time period of October 1, 2014 through November 23, 2014:

<u>DATE</u>	<u>TIME</u>	<u>DAY OF THE WEEK</u>
10-03-14	6:35:30pm	Friday
10-21-14	2:30:30pm	Tuesday
10-22-14	4:13:33pm	Wednesday
10-23-14	4:46:18pm	Thursday
10-27-14	4:27:28pm	Monday
10-30-14	4:25:24pm	Thursday
11-01-14	2:18:46pm	Saturday
11-05-14	4:33:56pm	Wednesday
11-06-14	6:42:49pm	Thursday
11-08-14	12:39:41pm	Saturday
11-10-14	4:31:34pm	Monday
11-13-14	4:17:55pm	Thursday
11-14-14	3:17:12pm	Friday
11-15-14	12:10:11pm	Saturday
11-21-14	4:15:35pm	Friday

## CUDELL RECREATION CENTER DATE TIME LOG CONTINUED:

<u>DATE</u>	<u>TIME</u>	<u>DAY OF THE WEEK</u>
11-22-14	11:05:30am	Saturday

This matter to be further investigated.

Detective John Morgan #241

CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-00004

DATE February 2, 2015

FROM Detective John Morgan #241

TO Sergeant Sharpe

SUBJECT

COPIES TO Lt. Smith, File

---

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

This matter to be further investigated.

Detective John Morgan #241

CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-00004

DATE February 3, 2015

FROM Detective John Morgan #241

TO Sergeant Shapre

SUBJECT Interview with Frank Woyma #2495

COPIES TO File

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]  
D,

[REDACTED]

[REDACTED]

CUYAHOGA COUNTY SHERIFF'S OFFICE

013-00

[REDACTED]

[REDACTED]

Detective John Morgan #241

CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-04 (Tamir Rice)

DATE 2/4/15

FROM James Mackey, Detective

TO Sgt. Sharpe

SUBJECT Subpoena Response from [REDACTED]

COPIES TO File

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

CUYAHOGA COUNTY SHERIFF'S OFFICE

013-00

FILE NO. 15-00004

DATE February 10, 2015

FROM Detective John Morgan #241

TO Sergeant Sharpe

SUBJECT Facebook.com information

COPIES TO Lt. Smith, File

---

On February 9, 2015 while assigned to the Cuyahoga County Sheriff's Detective Bureau and in company with Detective David Jacobs we were given an assignment by Sergeant Eugene Sharpe to conduct a follow up investigation into a Cleveland Police Use of Deadly Force incident which occurred on November 22, 2014. The following is result of that investigation.

On this date investigators met with William GONZALEZ, vice president of the Cleveland Police Patrolman's Association at his office located at 1303 West 58<sup>th</sup> Street, Cleveland Ohio.

GONZALES provided investigators with manila folder containing what appeared to be a copy of Tamir RICE and [REDACTED] Facebook.com profiles and content from their social media web page. The page belonging to [REDACTED] is under the screen name of "[REDACTED]," and the web page belonging to Tamir RICE is under the screen name of "Tamir Rice." The content appeared to have been printed off from Facebook.com on 11-25 and 11-26-2014 which appeared in the lower right hand corner of the pages.

GONZALES stated that the information contained within the manila folder was sent to Cleveland Police Sergeant Janelle RUTHERFORD from a female only identified as "[REDACTED] [REDACTED]" was said to have located the Facebook.com profiles of [REDACTED] and Tamir RICE, took screen shots with her mobile cellular device and forwarded the data to Sergeant RUTHERFORD who then contacted Cleveland Police Homicide Detective Raymond DIAZ and forwarded the information to Detective DIAZ via electronic mail.

GONZALES continued, stating that [REDACTED] was willing to cooperate with law enforcement in connection with this information and provided Sgt. RUTHERFORD her contact information.

This matter to be further investigated.

Detective John Morgan #241

## CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-00004

DATE 2/15/15

FROM James Mackey, Detective

TO Sgt. Sharpe

SUBJECT WKSU Request

COPIES TO File

I was tasked by SGT. Sharpe to contact radio station 89.7 WKSU in regards to a report published on their site by reporter, Kabir Bhatia. The report originally published on November 23, 2014 is located online at <http://www.wksu.org/news/41097>. In the report, filed by Bhatia, he spoke with a juvenile named [REDACTED]. In addition to the written recollection by Bhatia there was also about 50 seconds of audio that accompanies the report. In the audio [REDACTED] said "I was here with him when he had it and I knew I shouldn't have left cause I told him he had to be careful with it and it looked real when he had it". Bhatia also reported that [REDACTED] was the one that took off the orange cap to the BB gun.

On February 13, 2015 a call was placed to 89.7 WKSU ([REDACTED]) in regard to this article. I spoke with News Director [REDACTED] Meyer. I informed him that as a part of the ongoing investigation with regards to Tamir Rice I saw the report published by his news organization. I asked if there was additional audio of the interview that I may have a copy of or hear first-hand. He was unsure if additional audio exists but informed me I can download the posted audio from a desk top computer. I also asked if his news organization would make Kabir Bhatia available to speak with me. I further informed him that I am not seeking the identity of any unnamed or confidential sources, even though the article only made reference to named sources. He requested that I send him an email with items I request and he would run it by his legal team.

The published report, audio and my email to Mr. Meyer were placed into the case file.

I will follow up with Mr. Meyer on February 17, 2015.

It is suggested that follow up with [REDACTED] be conducted regarding his interaction with Tamir Rice.

//////S//////

James Mackey, Detective



CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-00004

DATE February 15, 2015

FROM Detective John Morgan #241  
SUBJECT Attempted contact with RICE Family/  
Interview of [REDACTED]  
COPIES TO Lt. Smith, File

TO Sergeant Sharpe

On February 12, 2015 while assigned to the Cuyahoga County Sheriff's Detective Bureau and in company with Detective David Jacobs, we were assigned by Sergeant Eugene Sharpe to conduct a follow up investigation into a Cleveland Police Use of Deadly Force incident which occurred on November 22, 2014. The following is result of that investigation.

Investigators attempted to contact Samaria RICE so she may sign a consent form which would authorize Metro Health Medical Center to release medical records of her son, Tamir RICE. Detectives knocked at the door of the RICE family's previously listed address of [REDACTED], Cleveland Ohio. After getting no response writer peered through the open window blinds to discover that the residence had been vacated.

In an attempt to ascertain the time frame of when the RICE family moved from the residence, investigators knocked on the door of [REDACTED] [REDACTED]. The door was answered and investigators conducted the following interview:

[REDACTED], DOB [REDACTED] ADDRESS [REDACTED]  
MOBILE TX: [REDACTED]

[REDACTED]S stated that she has been living at her current residence for approximately 3 years and stated that she didn't personally know Samaria RICE but was able to recall that the RICE family had moved in around tax time of 2014. [REDACTED]s stated that the rice family had moved out at the end of January 2015. She stated that when the family moved in there were a lot of people helping them move in. She continued, stating, "You could tell that we were going to have a lot of people living next door." [REDACTED]S explained that you could tell that there was a lot of extended family involvement in the household.

[REDACTED] stated that she didn't really have that much interaction with the RICE family even though she lived next door to them. She recalled that the kids played ball in the streets and that Tamir was nice to her and that he seemed to be a nice kid. [REDACTED] stated that he was larger than what she believed to be a normal 12 year old, but stated that if she was walking down the street at night and Tamir was walking towards her, she would not have crossed the street because he didn't seem to be an intimidating person. Further, she stated that even though he may not had appeared to be 12 years of age by his size, if you looked close at the way he carried himself and his mannerisms you could tell that he was a young boy.

[REDACTED] stated that she really didn't see much of Tamir's mother, but when [REDACTED] did see his mother, she thought that Ms. RICE may have worked at a hospital because she would see her wearing scrubs. [REDACTED] stated that she could not really tell investigators who was actually living in the residence because there were always so many people at the home, but believed that Tamir, his older sister, a baby (Toddler age), a female (Toddler's mother) and the Ms. RICE were the people living in the residence. [REDACTED] believed that the mother was not home a great deal because she didn't see a lot of adult supervision at the home; she stated that the children were self-sufficient and self-entertaining.

# CUYAHOGA COUNTY SHERIFF'S OFFICE

013-00

█████ stated that the day of the shooting she remembered that her husband was out of town; she had come home from work and took a nap. █████ stated that due to her pregnancy she had ordered food around 4 A.M. and noticed that there were a lot of people on the porch of the RICE residence. She stated that she spoke to them and they appeared to be in a very somber mood. It was later in the day that she found out that the person who had been shot and died from the incident was her next door neighbor, Tamir RICE.

█████ stated that the landlord of the apartment complex is █████ and provided a telephone contact number of █████

This matter to be further investigated.

Detective John Morgan #241

## Request regarding interview with Mr. [REDACTED]

James Mackey

Fri 2/13/2015 6:28 PM

To: [REDACTED] <[REDACTED]>

Mr. Meyer,

Regarding our phone conversation earlier today. I am inquiring about a report published by Kabir Bhatia on Sunday, November 23, 2014. The article is published on your station's site at [REDACTED]. In the article Mr. Bhatia had the opportunity to speak with a Mr. [REDACTED] about Tamir Rice. The article also contained audio of Mr. [REDACTED]

As part of the ongoing investigation with regards to Tamir Rice, would you please make Mr. Kabir Bhatia available to speak with me. In addition would you please provide me a copy of the published and unpublished audio of the [REDACTED] [REDACTED] interview.

Please contact me with any questions [REDACTED] or my cell at [REDACTED]. Also let me know if you need any further documentation to aid in this request.

I appreciate any cooperation in this matter.

Thank you,  
James Mackey, Detective  
Cuyahoga County Sheriff's Department

[illegible]

DATE 02/16/2015

COPIES TO File

**Detective David Jacobs**

CUYAHOGA COUNTY SHERIFF'S OFFICE

015-00

FILE NO. 15-00004

DATE 02/16/2015

FROM Detective David Jacobs

TO Sergeant Eugene Sharpe

SUBJECT Medical Examiner report for Tamir Rice

COPIES TO File

---

The following information was obtained from Cuyahoga County Medical Examiners' Office (ME) regarding the death investigation of Tamir RICE, case number IN2014-01991. The aforementioned reports were reviewed by the writer. A brief synopsis of the report is as follows:

The Pathologist assigned was Doctor Thomas Gilson-M.D. RICE came to his death officially on the 23<sup>rd</sup> day of November, 2014 in Metro Health Medical Center and was officially pronounced dead at 12:54 A.M. by Doctor Patel. Cause of death: gunshot wound of the torso with injuries of a major vessel, intestines and pelvis. HOMICIDE.

RICE was described as a male, single, aged 12 years, of the Black race; had brown eyes, black hair, good teeth, was 67 inches in height, weighing 195 pounds; a native of Cleveland, Ohio.

Final diagnoses: Penetrating gunshot wound of the torso with status post-surgical intervention (perforations of the inferior vena cava and intestines, anamnestic) fracture of pelvis, bullet recovered. An autopsy was performed on November 24<sup>th</sup>, 2014, at 11:00 A.M. by Dr. Gilson. Refer to ME report for specifics pertaining to overall health and examinations.

Final opinion: Tamir E. RICE, a 12 year old black adolescent male, died as a result of a gunshot wound to the abdomen which injured his inferior vena cava, intestines and pelvis. The descendent was shot by law enforcement during legal intervention.

Toxicology report included did not reveal any illicit drugs present. A follow up interview of Dr. Gilson will be scheduled to inquire about any and all prescribed medications that may or may not have been present.

A copy of the ME's report has been scanned to the file to include the Toxicology report.

Respectfully Submitted,

\_\_\_\_\_  
Detective David Jacobs #211

## CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-00004

DATE 2/16/15

FROM James Mackey, Detective

TO Sgt. Sharpe

SUBJECT WKSU Follow Up

COPIES TO File

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On February 16, 2015 I received an email from WKSU Executive Director, Dan Skinner. This email was in response to my request for audio and the opportunity to speak with Reporter Kabir Bhatia in reference to an interview he conducted with [REDACTED]. The email stated he was in receipt of my request and would be forwarding it to Kent State University General Counsel for review and consideration in terms of the audio request. With regards to speaking with Reporter Kabir Bhatia he gave me his contact information and was ok with me contacting him.

I attempted to contact Mr. Bhatia at [REDACTED]. I was informed that he works Thursday through Sunday. A voice mail was left requesting he call me regarding his interview and subsequent report.

I will follow up on Thursday February 19, 2015 if I do not hear from him prior.

//////S////////

James Mackey, Detective

Interview  
At her residence with her son  
By Cuyahoga County Sheriff's Department:  
Detective John L. Morgan  
Detective Dave Jacobs  
February 18, 2015

Morgan: So, what um – how did you come about being involved in this case to begin with,

I was on Facebook. There was like uh, Tamir Rice Memorial; some kind of memorial page that was popping up on my Facebook. So, I went on there and was reading what – you know the comments that the people were sayin'. Um, and there was a Sam Rice that made a comment, and I was wondering if it was his mom; so, I clicked on her name, and scrolled on her face book. Um, someone tagged her and a picture of what I thought was his brother, because it – you can tell the resemblance between the picture and Tamir Rice, but the kid in the picture looked much bigger than the picture I've seen on TV.

Morgan: Which was it - which picture was – that you're describing?

There's a boy holding up; yeah, guns.

Morgan: Two guns?

Yeah.

Morgan: OK; with uh -- do you remember what color t-shirt he had on?

I don't

Morgan: OK.

It had to be – maybe an hour later I went to Panini's and ran into

Morgan: Panini's where?

Um, by Kamm's Corner.

Morgan: Kamm's Corner; OK.

Yeah; I ran into and she asked me if I heard about what was goin' on, and I like, "Yeah, I've been following it on the news. Like, matter of a fact, I just seen on Facebook today um, a picture of what I thought was Tamir's brother. She said, "Well, would you mind me takin' a look?" "No;" so, I showed it to her. She's like, I think that's Tamir, and she was like, the kid

that we seen – she said, the picture they’re showing on TV had to be from years earlier, because it was a bigger kid. Tamir, Tamir is a bigger kid.

Morgan: Uh-huh.

█████ And I said, “Well, I – alls I’m goin’ – I don’t know what he looks like. I just seen the picture on TV.” I said, “█████ used to go to school with him and his brother...

Morgan: Uh-huh.

█████ ...but Tamir was in a younger grade. He didn’t really know him. She said – asked me...

Morgan: He went to – he went with █████ or Tamir?

█████ Both, but Tamir was in a younger grade.

Morgan: OK.

█████ Him and the brother, you guys are the same age; right? Or close to it?

█████ Um, I don’t know.

█████ Same grade?

Morgan: Is that the photo you...

█████ That – yeah, that’s the one I seen.

Morgan: And this is the photo of him in a blue shirt – him, being we don’t know who. Is it █████ or Tamir?

█████ I don’t know.

Jacobs: Does your son recognize him?

Morgan: Who’s – do you know?

█████ Nuh-uh

█████ No.

█████ No, █████ asked me to ask him.

Morgan: What’s your son – what’s your name?



[REDACTED]

Morgan: [REDACTED] You went to school with...

[REDACTED] I went to school with [REDACTED]

Morgan: Female?

[REDACTED] No.

Morgan: Who's [REDACTED]

[REDACTED] It should be his brother; [REDACTED] Rice.

Morgan: [REDACTED] Rice? I never heard of him.

Jacobs: Yeah, they're all T's.

Morgan: Yeah.

[REDACTED] I went to school with [REDACTED] Rice.

[REDACTED] Could it possibly be a cousin?

15:37

Jacobs: Yeah, they have all T's – the family; the child – the 3 boys do and then the sister.

[REDACTED] Yeah.

Jacobs: [REDACTED] Tamir,...

[REDACTED] I don't know. Well, well, he went to the school – one of the Rice's.

Jacobs: What school was it at?

[REDACTED] Waterson Lake.

Jacobs: Waterson Lake? Is that on the other side of town?

Morgan: Yeah, it is.

[REDACTED] Yeah.

[REDACTED] On Detroit – like, 73<sup>rd</sup>?

Morgan: 73<sup>rd</sup> and Detroit.

Jacobs: OK; alright.

Morgan: Or...

Anotonio: 76<sup>th</sup> or 73<sup>rd</sup>.

Morgan: Yeah; yeah.

██████ One of the 2.

Morgan: OK.

██████ So, anyway, ██████ asked me to ask him, and he said to me that he thought it looked more like Tamir, but just more grown up 'cause...

Morgan: Uh-huh.

██████ Tamir was probably second grade then.

Morgan: So, how many actual – when you accessed the page on-line, you did it from your mobile phone?

██████ Uh-huh.

Morgan: Um, did you take any shots? Any snapshots?

██████ I did, but I don't have – after I sent it to ██████ I, I believe that I deleted it.

Morgan: It was – you sent it by e-mail, or, or – how many photos...

██████ The first one - I sent one to ██████ that same night through text message. The same – from the same thing that I seen.

Morgan: OK.

14:22

██████ Um, and something happened to her phone. I don't remember what she happened to her phone. So, she wanted me to send it to her again through e-mail, and I sent it to her through e-mail.

Morgan: Just the one photo?

██████ Yeah.

Jacobs: Did you send it to anybody else other than [REDACTED]

[REDACTED] Nuh-uh.

Jacobs: OK.

Morgan: Did you send any other photographs? From like um, from the Facebook page? Or just the one?

[REDACTED] Oh, no, on – I – after that, I searched to see if Tamir Rice had a Facebook, and he did. Um, his was set to private where his mom's isn't.

Morgan: Uh-huh.

[REDACTED] So, the only thing that you could see was his uh, profile picture...

Morgan: OK.

[REDACTED] ...and that was of a gun - his profile picture.

Morgan: His profile picture was of a gun?

[REDACTED] Yeah; I don't know if it's still up. I can check.

Jacobs: His is down.

[REDACTED] Uh, yeah, OK; I didn't think they would leave it up.

Jacobs: No.

[REDACTED] I did send that to [REDACTED]

Morgan: It was Tamir's Rice?

[REDACTED] Yeah.

Morgan: Tamir Rice – his...

[REDACTED] His page.

Morgan: Profile picture was of a gun.

[REDACTED] Yeah; I may have that in my outbox of me – 'cause I didn't keep any of it. I sent it to [REDACTED] and then deleted them. Let me look in my outbox.

Morgan: That would have been in November; like 23<sup>rd</sup> or 4<sup>th</sup>.

██████ Um, no this was later on, because her phone got damaged or something.

Morgan: OK.

██████ Um, the day that I sent her the picture was December 9<sup>th</sup>.

Morgan: December 9<sup>th</sup>?

██████ Yeah; see this is the one that I sent her; oops.

Morgan: So, that's the one you actually sent.

██████ Yeah, and then I believe then...

Morgan: Do you have the e-mail that you sent her?

██████ What do you mean, the e-mail?

Morgan: Did you send her an e-mail with other photographs?

██████ That's what I'm looking...

Morgan: OK.

██████ ...for his uh – I don't have that one in here for some reason.

Jacobs: Are you checking your outbox or the sent, sent e-mail?

██████ My sent e-mails.

Jacobs: OK.

██████ There's two to her, but they're both the same picture.

Morgan: Do you think you sent one after?

██████ I don't know why the one of his profile thing's gone.

Jacobs: Did you send it to her city e-mail or did you send it to her personal?

██████ I believe it was her personal.

Jacobs: OK; (inaudible).

■■■■ I don't know why that's not on there. Maybe I thought I sent her both, but I accidentally sent the same one twice.

Jacobs: What was the second one?

■■■■ I can look through my pictures, but I don't think I have one. Don't even crack that door at all.

Morgan: You've got a couple dogs?

■■■■ Yeah; that one in there she stays to herself.

Morgan: Is the one upstairs a miniature Pinscher?

■■■■ Yeah.

Jacobs: Is it mean?

■■■■ He's fine if I'm holding him, when you first – he doesn't like when strangers are standing. So, as long as you're sitting, he's fine.

Jacobs: Yeah.

Morgan: It sounds like he's trying to come through the door?

■■■■ Yeah; he's only 5 pounds. I don't have it anymore. I didn't think I did.

Morgan: Did she say anything to you about what she was going to do with photographs that you e-mailed to her?

■■■■ Um, she said she was going to give them to the Detective that was investigating.

Morgan: OK.

■■■■ And then he came. I want to say his last name was Torres; I think.

Jacobs: Diaz?

■■■■ Maybe.

Morgan: He came to talk to you?

■■■■ Yeah, he – I don't know another guy came. Um, interviewed both of us.

8:39

Jacobs: Is there anything you told them that you haven't told us yet or...?

██████ No, I found the pictures. I showed them to ██████ I showed them to him, and uh...

Jacobs: Did you send them to Diaz?

██████ No, when he showed up, he actually had a copy of the one of the one you just showed me printed out, and asked me if I ever seen the picture before, and I told him, "Yeah, it's the one I seen on Facebook."

Jacobs: OK.

██████ So, I believed that ██████ must have sent them over to him.

Morgan: Just the – but again, it was just that one photo that you sent ██████

██████ I guess so; yeah. I thought that I sent her the one also of his profile picture, but I'm – I guess I sent her the same picture twice.

Morgan: Now, the profile picture, was that on – you said...

██████ Tamir Rice's page was up at the time. Um it wasn't – it was private. I couldn't go through it and see anything. All's I seen was his profile picture. Well, there's a profile picture, and there's a cover photo. One was of him. The other one was of a gun, but it wasn't a gun like as if I put the gun here and took a picture of it. It was like um, like an animated gun. It was something that was like uh, not anything that he personally had.

Morgan: OK.

██████ It was like he took the picture off the internets of...

Jacobs: Was it a real gun?

██████ No...

Jacobs: Was it a drawing of a gun?

██████ ...it wasn't. It was not a real gun. It was like, um...

Jacobs: Was it a picture of a handshake? When one of the hands was in the shape of a gun?

██████ No.

Jacobs: OK.

██████ It was a picture of um, a revolver, but it wasn't like a real one. It was, uh...

Jacobs: Like a drawing?

██████ ...like a photo shop drawing.

Jacobs: Yeah.

██████ Animated...

Jacobs: OK.

██████ ...type of thing

Jacobs: Huh; so, you don't know Tamir Rice?

██████ I do not.

Jacobs: Do you know his family at all?

██████ Not at all.

Jacobs: What about you, son? Did you know Tamir?

██████ No.

Jacobs: OK, but you thought you maybe knew ██████ Rice, or you did, and thought that may have been a relative?

██████ Right.

Jacobs: OK; that would have been from ...

██████ 'Cause they do look alike. ██████ Rice and Tamir; they look alike.

Morgan: ██████

██████ Yeah.

Morgan: Or ██████

██████ It's ██████ with a D.

Morgan: ██████ with a D.

Jacobs: It might be a cousin. The name's not familiar.

Morgan: Yeah, it doesn't sound familiar to me.

██████ I think they were in - was you 6<sup>th</sup> or 5<sup>th</sup>?

██████ 6<sup>th</sup> or one of the two – 6<sup>th</sup> or 7<sup>th</sup>.

6:07

██████ Tamir was in 2<sup>nd</sup> or 3<sup>rd</sup> grade; so...

Jacobs: How old are you now?

██████ Uh, 16; I'll be 17 in June.

Morgan: Alright; so, you're like 4 years older than him; OK.

Jacobs: Anything else you can think of that we didn't ask or – there's nothing that you told Diaz that we don't know that you didn't talk to us about?

██████ No.

Jacobs: The purpose of Diaz coming over here was because ██████ had told – gave it to him, and then he wanted to talk to you about it?

██████ Yeah.

Jacobs: OK; and when he came to talk to you it was strictly solely about those pictures; it wasn't anything...

██████ It was strictly about the pictures and about how he might have knew them.

Jacobs: OK.

Morgan: You all were there that night; right? That evening – that afternoon; the Saturday afternoon? Nowhere near that proximity?

██████ No.

██████ No, I was over here.

Morgan: OK.

Jacobs: Did you ever go to Cudell?

██████ Yeah.

██████ No, we used to live in that neighborhood.



Jacobs: OK.

██████ We used to live in that neighborhood. We moved over a year; like 2 years ago?

Morgan: How is it that you came to know ██████ ██████?

██████ She was my – a neighbor. Um, I lived over by where she lives. Um, I'm trying to remember. I moved over there 2006.

Morgan: Where'd you used to live?

██████ Before there, I lived off of 50<sup>th</sup> and Bridge.

Morgan: So, when you lived near ██████ where'd you live at?

██████ Oh, there's, um – on her street there's a dead end street there – River Edge Road. road is right here. Our streets met.

Morgan: So, it's off of River's Edge?

██████ Yeah.

Morgan: River Edge Road?

██████ Yeah.

Morgan: OK.

██████ I lived there, and whenever I moved from there, is whenever I moved over by Detroit. And I was off of – over by Detroit for only 2 years before I came back over here.

Morgan: So, basically in a nutshell, what happened was you, you heard about the incident, you start doing some of your own stuff on Facebook when – and you know, discovered his page; um, or what you thought was his page. You saw these photos, you contacted ██████ or you were up at um...

██████ Panini's.

Morgan: Panini's up there at West Park; showed ██████ said, "Hey, can you send that to me?" Um, and then she forwarded onto Detective Diaz. And then he came and talked to you.

██████ Yeah.

Morgan: OK.

██████ One thing he did ask – or he didn't know until I told him, 'cause whenever said I clicked on um, his mom page – they thought that her Facebook was down, and it wasn't. And he sat here. I showed it to him, and it wasn't private. You could scroll through all of her posts and everything. They thought that her page was down.

Morgan: About how soon after these incident occurred on the 22<sup>nd</sup>, that they actually come and talk to you?

██████ Um, it was a while. Uh, I want to say – I think I ran into ██████ like 2 to 3 weeks after that.

Morgan: And then you showed her the picture?

██████ Uh-huh.

Jacobs: Did ██████ share any photos with you or anything like that?

██████ No.

Jacobs: OK.

██████ No.

Morgan: And that was the first time she's seen that? And that was 2 to 3 weeks after the incident?

██████ Yeah.

Morgan: So, this would have been in December; like mid-December maybe?

Jacobs: Before Christmas.

██████ No, it couldn't have been, because I e-mailed her the picture on the 9<sup>th</sup>.

Morgan: The 9<sup>th</sup> of December?

██████ Of December; is what my e-mail said. And the first time I sent it to her was text message, which had been like a week earlier. So, it was in between the 22<sup>nd</sup> and the 9<sup>th</sup> of December.

Jacobs: That you met with her?

██████ Yeah.

Jacobs: OK.

██████ Yeah, I seen her. Um, so, it was on a Friday. Um, the detective asked me what day it was. I told him all I remembered was it was on a Friday; that maybe ██████ would remember. He said he would ask her. Um, so...

Morgan: That's alright if you don't know it. It's nothin' – it's not real important. Thanks for seeing us.

██████ I want to say it was probably the 28<sup>th</sup>; so, a week later.

Morgan: That you e-mailed it?

██████ Um, no, that I ...

Jacobs: Ran into ██████

██████ ...ran into her.

Morgan: On the 28<sup>th</sup>?

██████ Because, um, the 9<sup>th</sup> is a week after that. It was about a week after...

Morgan: 28<sup>th</sup> of November?

██████ Yeah; I want to say it was around the 28<sup>th</sup>.

Morgan: OK.

██████ Um, like I said, I sent it to her first text message, and she said that her phone messed up. She called me a week later and asked me if I still had it. The phone messed up; so, it was after that, that I e-mailed them to her, and then I just – I figured that she's got them on e-mail there's no way that anything – so, it had to be like the 28<sup>th</sup>.

Morgan: OK.

██████ It was a Friday.

Jacobs: Alright, we appreciate it. If something changes, you have our number. You can reach out to us, but we appreciate you sitting down and talkin' to us; thanks.

██████ You're welcome.

CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-00004

DATE 02/22/2015

FROM Detective David Jacobs

TO Sergeant Eugene Sharpe

SUBJECT FBI request for technical assistance

COPIES TO File

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On February 19<sup>th</sup>, 2015 the writer requested the Cleveland Federal Bureau of Investigation (FBI), crime scene laboratory to print crime scene photos for the captioned case. The crime scene photos were obtained from the Cleveland Police Department. The request was made to Ronald Totherow, Cleveland FBI crime lab. Totherow agreed to print 8 by 11 glossy prints. Totherow advised there is an open case police cooperation (technical assistance) case for this matter. The prints will be made part of the case file after they are printed.

Respectfully Submitted,

---

Detective David Jacobs

CUYAHOGA COUNTY SHERIFF'S OFFICE

018-00

FILE NO. 15-00004

DATE 02/22/2015

FROM Detective David Jacobs

TO Sergeant Eugene Sharpe

SUBJECT Review of [REDACTED] documents

COPIES TO File

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

CUYAHOGA COUNTY SHERIFF'S OFFICE

01-0-00

TH



Respectfully Submitted,

Detective David Jacobs #211

# CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-00004

DATE February 24, 2014

FROM Detective John Morgan #241

TO Sergeant Sharpe

SUBJECT Search Warrants for cellular telephones  
recovered from original CPD Investigation

COPIES TO Lt. Smith, File

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On February 23, 2015 while assigned to the Cuyahoga County Sheriff's Detective Bureau, writer was given an assignment by Sergeant Eugene Sharpe to conduct a follow up investigation into a Cleveland Police Use of Deadly Force incident which occurred on November 22, 2014. The following is result of that investigation.

On February 15, 2015 writer in company with Detective JACOBS began the review of the sanitized Use of Deadly Force Investigation from the City of Cleveland Division of Police which had been received by writer on February 13, 2015 from the Cuyahoga County Prosecutor's Office. During the review of this file investigators learned that there two separate cellular telephones which had been identified during the investigation and these telephones had been turned over to The Ohio Bureau of Criminal Investigation (BCI) for analysis.

The first telephone, an LG brand cellular telephone was located at the scene, and had been marked by placard #3 from the scene photographs. The second cellular telephone, a Samsung, was turned over to the Cleveland Police Homicide Unit by Metro Health Medical Center personnel with the personal property belonging to the decedent Tamir Rice.

Due to prior Garrity issues, a second search warrant would have to be written to obtain the cellular telephones forensic examination from BCI. On February 19, 2015 writer met with Assistant Cuyahoga County Prosecutor Anthony MIRANDA to compose the search warrant.

On February 23, 2015 writer traveled to the Summit County Common Pleas Court and met with The Honorable Judge Tom PARKER. After reviewing the affidavit, Judge PARKER found sufficient probable cause to sign the search warrant. Writer then traveled to the BCI regional office located in Richfield, Ohio.

Writer provided a copy of the search warrant to Special Agent Justin A. TOLMAN who in turn provided writer with a copy of a single compact disk containing the forensic examination of both cellular telephones along with a three page summary of what was contained on the disc.

This matter to be further investigated.

Detective John Morgan #241

CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-00004

DATE 02-25-2015

FROM Detective John Morgan #241

TO Sergeant Sharpe

SUBJECT Interview of [REDACTED] [REDACTED]

COPIES TO Lt. Smith, File

On February 18, 2015 while assigned to the Cuyahoga County Sheriff's Detective Bureau and in company with Detective David Jacobs, were given an assignment by Sergeant Eugene Sharpe to conduct a follow up investigation into a Cleveland Police Use of Deadly Force incident which occurred on November 22, 2014. The following is result of that investigation.

The following is a synopsis of an interview conducted on the above listed date:

**INTERVIEW:**

[REDACTED] DOB [REDACTED] SSN: [REDACTED]  
[REDACTED], TX: [REDACTED]

[REDACTED] stated that sometime after the incident at the Cudell Recreation Center she was on Facebook.com and stated that some type of Tamir RICE memorial page kept "popping up" on her page. She stated that she clicked on the page and it took her to the site. [REDACTED] stated that while browsing through the page, she noticed that a person identified as "Sam Rice" had made a comment on the page.

[REDACTED] stated that she then clicked on the link to the "Sam Rice" page and browsed through her Facebook.com page. She stated that someone had tagged a photograph, of what she believed was his brother. The picture was of a boy holding two guns, one in each hand. Approximately one hour later she stated that she went to Panini's in Kamm's Corner and ran into Cleveland Police first district Sergeant, Janell RUTHERFORD

[REDACTED] and RUTHERFORD began a conversation. During this conversation RUTHERFORD asked if she was aware of what had been going on (referring to Cudell Recreation Center incident) in which [REDACTED] stated that she had been following everything on the news. [REDACTED] then informed RUTHERFORD that she had just located a photograph on Facebook.com of what appeared to be Tamir RICE'S brother.

[REDACTED] then showed RUTHERFORD the photograph. After viewing the photograph RUTHERFORD informed her that the male in the photograph could be Tamir Rice. She continued stating that the male who was shot at the park looked much older than the photograph which was being shown in the media. [REDACTED] stated that her son [REDACTED] used to go to school with Tamir RICE'S older brother.

Investigators produced a the photograph of a younger male holding two guns, one in each hand and asked if she recognized the photograph; [REDACTED] stated yes that was the photograph she had located and sent to RUTHERFORD. Also present during this interview was her son [REDACTED] who was sitting on the couch next to his mother. [REDACTED] stated that he went to school with a male he knew as "[REDACTED] RICE." When investigators asked about [REDACTED] RICE; [REDACTED] stated, "That should be his brother." Investigators informed [REDACTED] that all of Tamir RICE'S sibling's names began with the letter "T." [REDACTED] then stated that [REDACTED] RICE could be a cousin.



CUYAHOGA COUNTY SHERIFF'S OFFICE

Investigators asked [REDACTED] where he went to school with the Rice family in which he replied, "Watterson-Lake." [REDACTED] stated that RUTHERFORD had requested that she asked her son if he could identify who was in the photograph. [REDACTED] stated that she did ask her son and he said, "It looked like Tamir, just more grown up."

[REDACTED] stated that during that initial conversation with RUTHERFORD she forwarded the photograph to her through a text message. Sometime later she was contacted by RUTHERFORD who informed her that something had happened to her phone and asked if she could resend her the photograph, but this time send it to her electronic mail account. [REDACTED] stated that she sent the one photograph to RUTHERFORD via electronic mail.

[REDACTED] stated that she attempted to locate more photographs on facebook.com. She next attempted to search Tamir RICE'S facebook.com page but was unable to access his page due to the privacy settings and could only view the profile picture affiliated with Tamir's page. The profile picture of Tamir RICE'S page was of a gun. She recalled sending that photograph to RUTHERFORD on her personnel electronic mail account.

[REDACTED] stated that the first text message where she sent the picture of someone holding the two guns was shortly after the incident; this original text message had been deleted. She stated that the photograph was then sent on December 9, 2014 and that she may have sent another photograph via electronic mail but that communication had been deleted. [REDACTED] attempted to locate the mail's delivery through her sent and deleted mailboxes but was unable to locate them.

[REDACTED] stated that RUTHERFORD informed her that she was going to forward the pictures to the Cleveland Police Homicide Detective investigating this incident. [REDACTED] stated that Detective Diaz and another detective came to her house and interviewed her about the photograph. She stated that the detective only showed her the one photograph which he had printed out. Again this was the photograph of the unidentified male holding two guns. Investigators asked if she could remember telling those detectives anything different that she has informed investigators during this interview; [REDACTED] replied, "No." However, she clarified that the photograph of the gun on Tamir RICE'S page was of an animated gun not of a real gun.

For a more detailed account of the interview please refer to the audio recording located within the file.

This matter to be further investigated.

Detective John Morgan #241

February 27, 2015

11:00 AM

Interview of [REDACTED]

Detective Mackey, Sheriff's Department

Detective Allen, Sheriff's Department

Special Agent FBI

[REDACTED], Associate Division Counsel FBI

[REDACTED], Chief Division Counsel FBI

Detective Dave Jacobs, Sheriff's Department

Sgt. Eugene Sharpe, Sheriff's Department

Mackey: Um, we have a 3 page report that I got from Jacobs. I think you – you gave him; is that correct?

[REDACTED] That's correct.

Mackey: OK; if you could just go through um, we got a chance to read it. If you could just go through and give us a summary; if you want to take a look at it.

[REDACTED] The summary of events that occurred uh, on November 22<sup>nd</sup>. So, uh, it's the day the Cudell Park uh, incident involving Cleveland Police Department and Tamir Rice.

Mackey: OK.

[REDACTED] So, do you want me to kind of – how in depth do you want to go through this?

Mackey: Just uh, if you can just give a summary of what you wrote, um, going through it, I see that, obviously, you're a special agent.

[REDACTED] Uh-huh.

Mackey: You did some uh, first aide to Tamir; um, and we'll go through this and then jump into some of the other things that you saw or heard...

[REDACTED] Yeah.

Mackey: ...Um, and then also after we go through just give you some of your qualifications if you can...

[REDACTED] Sure; the reason I was out there that day, uh, I was - follow up a bank robbery investigation that I believe happened that day prior, and I was working with Detective Dan Lentz...

Mackey: OK.

█ ...of CPD First District; so, uh, like I said, we were involved with a bank robbery. We received information that identified the individual, and during the course of that day, he and I were just out conducting interviews and attempting to locate the subject.

Mackey: OK.

█ So, pretty much, we had a stale mate. We had stopped; eat some lunch over uh, by like 117 and Clifton, and we were on our way back to the First District to, uh – he was going to drop me off, I was going to hop in my car and go home. Um, and then I'm just gonna (inaudible)...

Mackey: Sure, no problem.

█ ...if you don't mind. So, then at about 3:30, when we were in the vicinity of uh, West 117 and Berea, which, like I said, we were at like – I'm sorry - Clifton. It was like Clifton and 117; like the diner; right there on the corner.

Mackey: Uh, huh.

█ So, we're heading back to the First. We heard the, the broadcast over the CPD emergency dispatch. I recall, it initially was, a, it was a shooting. We initially thought that they were reporting that someone had shot and a suspect was fleeing. It was kind of the initial – what we had. Dan and I were driving; we realized that we were in the vicinity. We kind of looked at each other. He made uh, u-turn around, and we started heading towards the rec center; kind of, both of us like OK, let's get the description. Who are we looking for? 'Cause we're kind of approaching and that quickly changed just to – qualify it; and said that the, the individual was shot, and uh, they were requesting uh, fire and EMS response.

Mackey: OK.

█ So, uh, we made out way there; uh, I think we made it there like maybe 3 minutes...

Mackey: M-m-m.

█ ...after the, uh, the uh shooting that happened.

Mackey: OK.

█ And uh, like I said, I'm just gonna refer back here. Um, so, as we approached, we, we could see the uh, the rec center. We could see a CPD vehicle over there. We knew where to go. We drove up and approached. I think Lentz probably flipped his lights off, and then he got out and the radio and held us out there. He parked. I jumped out. And uh, my main concern was the broadcast that they had that the male subject was down.

Mackey: OK.

■ And they were – I would, you know, multiple times requesting medical aid and that they step it up.

Mackey: Hm-m-m.

■ So, a, as I approached the officers, I asked for – they had any first aid equipment; medical gear. Anybody that has any of that, bring it over here, and they didn't have anything. I said, "OK; well, rubber gloves."

Mackey: M-m-m.

■ A guy threw me a set of gloves. I just walked directly over to uh, to Tamir Rice and began assessing him and doing the medical treatment that I could.

Mackey: OK; so we'll uh, we'll jump into your uh, qualifications.

■ Uh-huh.

Mackey: As far as with the FBI, how long you've been with them?

■ I've been with the FBI since September 2012.

Mackey: OK; and you've always been in the Cleveland field office?

■ I have.

Mackey: OK.

■ Other than Quantico for training.

Mackey: OK; and where'd you come from before that?

■ I was a ride police officer.

Mackey: A patrolman?

■ Yes.

Mackey: And what the dates for that?

■ Uh, 2010 – I think maybe like January/February 2010 until the uh, the day before reporting to Quantico, which I think was September 22<sup>nd</sup> or 23<sup>rd</sup>...

Mackey: OK.

■ ...of 2012.

Mackey: OK; any other law enforcement experience prior...

■ No.

Mackey: ...to that? Um, I see your Marine lanyard there.

■ Yeah.

Mackey: Any military service?

■ I did 4 ½ years in the Marine Corp., and then uh, Airforce.

Mackey: And um, how long in the Airforce?

■ I'm still a member of the International Guard.

Mackey: OK.

■ So...

Mackey: Ohio International...

■ Uh, New York International Guard.

Mackey: OK. What was your MOS?

■ I'm an Airforce (inaudible).

Mackey: What is that?

■ Airforce Special Operations jobs...

Mackey: OK.

■ So, we basically uh, (inaudible) and combat search and rescue.

Mackey: OK; how does that search rescue to do, uh – get medical training?

■ Yes; yeah, I'm a national registered paramedic.

Mackey: OK; and what does that equate to in the State of Ohio?

■ Uh, being a paramedic.

Mackey: You have to educate me on the levels. There's like basic paramedic – or basic EMT...

█ Uh, they just changed it. It was EMT Intermediate/Paramedic, and now I think they changed it to like basic – I think they call it Intermediate/Advanced now, and then, paramedic.

Mackey: OK. And um, so, this is something that you've not specifically trained for, but – well you may have, but um, this is not outside the realm of what you would do as far as giving first aide to somebody?

█ No.

Mackey: Stabilizing them and moving them?

█ No.

Mackey: Have you ever been deployed?

█ Yes.

Mackey: Where to?

█ Afghanistan.

Mackey: OK; how long was your deployment?

█ Um, like 4 months.

Mackey: OK; and that was in the Airforce?

█ Correct.

Mackey: OK.

█ Uh, twenty-ish days or something like that.

Mackey: OK; and in the Marine Corp. what was you MOS?

█ I started out as a infantry man a 03-11, and then I became a reconnaissance marine. I did about a year-ish in a live platoon, and then a little bit in a weapons platoon, and then tried out for reconnaissance and spent the remainder of my career doing that.

Mackey: And coming up to current time with the FBI, what's your current assignment?

█ I'm a Special Agent assigned to the Violent Crime Task Force, and then the main offense that I work in specializing would be bank robbery, and I'm also the Bank Robbery Coordinator here for the division.

Mackey: OK. And how long have you been doing that?

█ I've been on the squad since I've been here.

Mackey: OK.

█ So, February 2013 or how long has it been? I'll be 3 years in the Bureau this September; so...

Mackey: OK.

█ Uh, I've been in the division, I guess, about 2 years.

Mackey: And do you typically work with Lentz or were you just jumping in with him trying to help him with a case, or is he on the task force also, or...

█ If we – we'll assist state and local partners with investigations.

Mackey: OK.

█ So, a case doesn't necessarily go Federally – we won't make that determination until we, we figure out kind of the totality of the circumstances and the facts of the case.

Mackey: OK.

█ That's probably more so with the armed stuff; typically when you get into a situation where it's an armed bank robbery.

Mackey: M-m-m

█ It's a little uh, higher threshold...

Mackey: OK.

█ ...of the U.S. Attorney's Office.

Mackey: OK .

█ It's not uncommon for me to, to jump in and work with a, a, one of our local partners during the course of an investigation.

Mackey: OK. So, he's not a, a Task Force member?

█ No.

Mackey: He's just somebody you – another agency you're helping out.

█ He's the lead detective on that case.

Mackey: OK.

■ Or Cleveland Police.

Mackey: OK. So, um, we'll show some video here of the parking lot.

■ Yeah.

Mackey: If you can just run through some of the things you were thinking, but if you can just tell us when you came up on scene...

■ Uh-huh.

Mackey: ...um, you got out of your car, you went straight over to Tamir.

■ Yes.

Mackey: What were your first impressions when you got up on the scene? As far as demeanor of officers, uh, Tamir, the suspect that was shot.

■ Uh, the officer seemed pretty concerned.

Mackey: OK.

■ Obviously, very concerned and uh, I don't want to use the word like – almost like shellshock; like they didn't know what to do.

Mackey: Uh-huh.

■ And it became pretty evident to me – as I could see him from a distance. I could already see that uh, part of his uh, looked like his small intestines were eviscerated; so, they were actually coming out of his uh, his abdomen.

Mackey: OK.

■ It's an incredibly disturbing looking injury.

Mackey: M-m-m.

■ And uh, you could see the level of concern in just these guys. I don't think they knew what to do.

Mackey: OK.

■ They wanted to do something, but they didn't know what to do.



Mackey: Uh-huh.

■ That was kind of my impression. Um, I believe the, the officer that shot was actually sitting inside a car kind of like holding his ankle. He was kind of in pain. It was really my main concern initially. I kind of focused straight in on Tamir.

Mackey: M-m-m.

■ I mean it was the reason we were showing up there was to assist him.

Mackey: OK; um, when you came up onto Tamir, did you notice anything about his clothing? Was there a lot of blood? Little blood?

■ There was no blood that I noticed.

Mackey: OK.

■ So, my first impressions kind of from afar was – I wasn't even sure if he was alive, 'cause he wasn't moving.

Mackey: Uh-huh.

■ He was just kind of laying there. I could see the evisceration, because his shirt was kind of pulled up and his coat was open.

Mackey: OK.

■ So, uh, I went up to him, and just immediately started to assess him for, for massive hemorrhage; so, I was trying to see – obviously, we knew it was a gunshot.

Mackey: Uh-huh.

■ And uh, so, I did a quick blood sweep to address any massive hemorrhage, which I didn't find any.

Mackey: OK.

■ And then, I just kind of went down a – like a typical march protocol to identify life threats.

Mackey: Uh-huh.

■ And uh, I addressed his airway, which uh, he – we're back here. He did end up having some airway issues; so, um...

Mackey: Yeah, if I read in there correctly, you turned him on his side...

■ But see...

Mackey: ...because he was having some (inaudible)

■ ...but that was uh, but that was later;...

Mackey: OK.

■ ...not at the initial point.

Mackey: OK.

■ So, um like I said, lying there motionless on his back on the floor of the pavilion. His coat was open. Shirt was partially pulled up exposing the abdomen; what appeared to be eviscerated small intestine. Conducted a blood sweep to address any life threatening hemorrhage, and I did not see any signs of uh, of any life threatening hemorrhage. I didn't see any blood that I recall.

Mackey: M-m-m.

■ At that point he was – I spoke to him. I told him I was a paramedic, and I was here to help him. Uh, and that there was an ambulance going to be coming to help him. So, he actually turned his head and looked at me and acknowledged.

Mackey: OK. Did, um – when you first walked on him is – you thought he was lifeless at first?

■ Yeah; he wasn't; he wasn't responding. It wasn't until I was right there...

Mackey: OK; so, he responded to your voice?

■ Correct.

Mackey: OK; at that point. You didn't have to stimulate him by any means or anything.

■ At that point, no.

Mackey: OK.

■ So, you know, I was still moving around checking for blood, and then I began to speak to him.

Mackey: Uh-huh.

■ And I said, he turned over and acknowledged and looked at me, and he like reached for my hand.

Mackey: OK.

█ When I started to talk to him.

Mackey: OK. And your impressions of him as an individual minus the – being on the ground. Did you walk up thinking, “Hey, this is an old man; young kid”?

█ I thought it was like an older teenager; like eighteen-ish.

Mackey: OK.

█ He was, he was big.

Mackey: OK.

█ I think like, maybe like five eight-ish; like 195. I mean the size of a full-grown man.

Mackey: OK; so, you um, administered first aid to him?

█ Correct.

Mackey: And this is – have you ever seen an injury like this before?

█ Yes.

Mackey: So you had familiarization on what to do and...?

█ Yes.

Mackey: OK; um, with the tools that you had available to you, um, did you – is there anything else you could have done? From your aspect looking back at it?

█ The reality is an injury like that, he needs bright lights and cold surgical steel. He needs a surgeon ...

Mackey: OK.

█ ... to repair that. That's not something that, you know, an ambulance resource; I mean, he needs to go to surgery. That's the end all result. That's the only thing that's going to repair the damage.

Mackey: OK.

█ The only thing we were doing on scene was – he eventually had issues with keeping his airway open, and just trying to keep him alive long enough to get him to the hospital, but he needed blood products, and he needed surgery. That's ultimately the only thing that would save him.

Mackey: OK. And um, if I'm not mistaken, you jumped in with Lentz; you were riding around in his vehicle?

█ Correct.

Mackey: Um, do you normally travel if you're in your vehicle, travel with any medical equipment or anything like that?

█ I, I do have a med pack that I have in my vehicle.

Mackey: OK. If you had that med pack, do you think it would have changed the – and not that you're a doctor or anything, but from your experience; do you think...

Unidentified Interviewer: I think we'd like to stick to what happened that day.

Mackey: OK.

Unidentified Interviewer: Instead of any speculation about what █ could have done, or should have done.

Mackey: No problem.

Unidentified Interviewer: Thanks.

Mackey: Um, so you're going up looking at – you're attending to him; doing the first aid. Is he saying anything to you outside of...

█ He did make a statement; so, um, in a routine thing, I usually like to ask people their name.

Mackey: Uh-huh.

█ 'Cause to me, you ask somebody what happens, you could kind of get a convoluted thing; so, I like to know what happens, but I like to ask people their name first. If you don't know your name, you can obviously tell somebody is altered which raises your kind of index of suspicion of what's going on in terms of their - are they falling into a shock? Are they compensating? Are they de-compensating? I ask him his name. He tells me his name, and uh, he did make a reference to like uh, his gun.

Mackey: Uh-huh.

█ I wrote it down in here. Um...

Mackey: Do you remember – if you don't remember exactly...

█ I don't remember the exact phrase.

Mackey: ...the phrase.

■ In here, if you read it, it was – at that time it wasn't my main concern. I was dealing with a critically injured uh, young man, that was more my, my, my concern here. I asked him his name which he replied to me – told me, and then he said that he was shot, and he made a reference to his uh, regarding like a gun or a question, like, "Where's my gun? Or my gun; I can't remember exactly what it was. I just remembered that he made a reference to a firearm.

Mackey: OK. Um, about how long – and in your report he goes - for lack of a better term, he goes out of it?

■ Yes.

Mackey: Unconscious? Or is he just on the verge of unconsciousness?

■ I mean at this point, he's, he's kind of oriented to what I'm saying, but pretty quickly after that he starts to deteriorate.

Mackey: OK; OK; um, did you receive any help from any of the officers or ...

■ I did actually, at one point, um, once he started kind of a loosing consciousness and the airway became an issue...

Mackey: Uh-huh.

■ ...I actually asked one of the other officers to assist me. And there was actually the evisceration it actually when I first came up it was still kind of oozing and protruding out a little bit.

Mackey: OK

■ So, I had covered it up with my hand to try to prevent that...

Mackey: OK.

■ ...and uh, I needed two hands; so, I asked one of the officers to put his hand over that and support it, which he did. I didn't realize at the time, but it was actually, I'm almost positive it was the training officer. The guy that was driving...

Mackey: OK.

■ ...that, that assisted.

Mackey: Can you describe him at all?

█ White male, brown hair, uh, height wise, I think he was shorter than I was, and uh, probably about 40 – 50 pounds heavier than me; a little, a little bit of a gut around him; about 40's.

Mackey: And how tall are you?

█ I'm 5' 10".

Mackey: Oh, OK; so, shorter than 5' 10"?

█ Yeah.

Mackey: Did you notice anything on his shoulder; any stripes or anything like that?

█ I don't recall.

Mackey: OK; um, when you're working on Tamir, um, is there any activity – are you solely concentrating on him or are you aware of what's going on around you?

█ I'm, I'm pretty concentrated on him, but I, I am aware of some of the things that are occurring around.

Mackey: Uh-huh.

█ So, uh, the gal in the vehicle that was his sister, ...

Mackey: M-m-m.

█ ...I learned later; I mean, she was screaming pretty frantically.

Mackey: OK.

█ So, and I actually to the point where – I actually overheard her say at one point, like, "He's twelve." I remember thinking to myself, I'm like, "There's no way." And I looked at his face, I'm like, "Yeah." He's got a young looking face, but I mean, I – if you never told me that, I'd of never thought that – based on his size...

Mackey: Yeah.

█ ...that he was that young. So, that was actually, kind of, it took me for a second; I'm like, "Wow; OK."

Mackey: OK; um, any other comments that you overheard while you were working on him. I know that's not your focus of attention...

█ Right.

Mackey: ...but...

■ Now, the one point, his brother came up and uh, I mean, I remember working on him and seeing this guy storm up, and he was threatening CPD, and had to stop and look and I think I said like, "Hey, somebody going to deal with this."

Mackey: M-m-m

■ He was storming right up towards us, like ready to fight.

Mackey: OK; was he coming from the, the, rec center side or different area?

■ Um, so rec center would be behind me. We're on the pavilion. Uh, yeah, he would have been coming kind of away from the rec center, like across the street.

Mackey: OK.

■ Trying to get my, my uh, my directions oriented. said, rec center, pavilion, we're here; he's kind of comin' from this angle here.

Mackey: OK; like CVS area? Like Madison?

■ Yeah, like Madison Road.

Mackey: OK.

■ That area; or just like storming up; pretty aggressive.

Mackey: Did you recall him saying anything specifically?

■ I, I just – it was like he was threatening CPD; like... Let me look in here.

Unidentified Interviewer: I don't think there was much mentioned uh, ...

■ I can't remember exact – I mean it was – it was threatening.

Mackey: OK.

■ It was enough, like I said, I remember looking up and I think I said to someone like, "Hey, is somebody going to deal with this?"

Mackey: Yeah.

■ Like I figured – I, I was – I mean, I felt threatened.

Mackey: OK.

■ It wasn't a situation where I wanted to be uh, you know, uh, exposed.

Mackey: Uh-huh.

■ The guy was angry, and clearly, in my opinion, looking to hurt somebody.

Mackey: OK; did anyone that you're aware of deal with him?

■ I, I, I'm pretty sure Lentz went up and Lentz; maybe another officer went up and dealt with it.

Mackey: OK; alright; so, um, you're working on Tamir. You're administering the first aid, um, who's the first to arrive, as far as any other medical personnel?

■ Fire.

Mackey: Fire? OK.

■ I don't remember the exact engine number or the truck, but it was uh, fire arrived and two firefighters came up.

Mackey: OK; at any point did they take over care for Tamir?

■ They assisted.

Mackey: Assisted; OK; alright; were they jumping in and ...

■ They're EMT Basics.

Mackey: OK.

■ In terms of like – I mean I – it'd be unethical for me to walk away with a lower level care.

Mackey: OK; did they administer anything else other than what you were doing? Did they start working on him to?

■ I told them what I had; what the situation was. Uh, I was dealing with an airway issue. I asked, requested airway adjunct, suction, and oxygen to try to manage his airway. Never got an airway adjunct, but they did give me the suction and some O2.

Mackey: OK.

■ I suctioned him out; kind of rolled him over to, to let some of the fluid drain out, and put O2 on him.



Mackey: OK.

■ And then uh, at one point I, I just recall I was reassessing – the radial pulse was gone, which to me, is a precure like he is going into de-compensated shock.

Mackey: M-m-m

■ And correlates with his, his dropping in systolic blood pressure. I had mentioned that to them. I was actually having problems finding the carotid pulse. I thought I was going to have to start administering CPR.

Mackey: M-m-m.

■ And we found carotid, and the hooked him up to a monitor, and they were also getting a pulse on theirs; so, between palpation and the instruments we established that the heart was still beating.

Mackey: Um, how long after that do you think – just your estimation, um, paramedics arrived, I'm assuming, after.

■ Yeah.

Mackey: About how long do you think?

■ Uh, I don't – 3 minutes...

Mackey: OK.

■ ...4 minutes. I was there on scene for like 18 minutes total.

Mackey: OK.

■ So...

Mackey: Um, when the paramedics arrived did you continue to assist?

■ I did.

Mackey: OK.

■ Actually, I, I'm trying to recall the guys name, but, a, it's a medic that I've worked with and dealt with several times before. He's one of the tactical medics for CPD SWAT.

Mackey: OK.

■ It was good to see a familiar face, and I think that was kind of a likewise thing.

Mackey: M-m-m.

■ I gave him an assessment or a rather a patient report.

Mackey: Uh-huh.

■ And then uh, tell him what we have, and we need to get him out of here. Loaded him up, and uh, back of the ambulance; "You guys need some help?" And they're like, "Yeah, you want to change your gloves out?" I tried to assist them, and at that point the firefighter – one of them told me you're not cleared to work with the City of Cleveland; so, he'd get off the ambulance.

Mackey: OK.

■ And uh, I was going to sit there and argue, like, "You need to get to the hospital."

Mackey: Yeah.

■ Two paramedics – that's equal or a greater level of care; so...

Mackey: OK.

■ ...hey, it's your show.

Mackey: OK; alrighty; um, and then after you finished care with Tamir...

■ Right.

Mackey: ...administered um, the first aid that you gave him. Um, just from your knowledge, was there any – in your dealing with Cleveland, was there any other officers that were other EMT's or paramedics or anything like that? OK; alright. Um, so you leave the ambulance, um, and then what's your activities after that?

■ Uh, walked around the ambulance and; I think actually, his mother came up, and we were like, "Hey, you can't go in the back there." I walked over with Lentz, um, linked up with CPD, I think Lentz said he spoke to the sister in back of the car; like they spoke to her. Um, I remember the mother got into the ambulance. I think in the front right passenger, and uh, I think she was talking to someone or like on the phone. Just kind of like nonchalant. Like, "He's going to the hospital...;" whatever; something like that. I can't remember the exact – I don't know if she was talking to – on the phone or the medic or what.

Mackey: OK.

■ But, there was some conversation that I thought it seemed like she was talking to the guy sitting next to him. She was - I don't remember if I saw phone, but she was on the phone talking with someone.

Mackey: Did she seem concerned at all?

■ I mean, people react differently. .

Mackey: Yeah.

■ I mean, I – my wife; we'd probably have a different response if that was my child laying there.

Mackey: OK.

■ So, I – I don't know her. I don't know what her situation is. I thought maybe she'd be a little more concerned.

25:17

Mackey: Yeah, um, we'll go pull the video up. Just looking at the video after you...

■ Yeah.

Mackey: ...your care with Tamir. It looks like you went and talked to the female that was in back of the police car...

■ Yeah.

Mackey: ...with Lentz.

■ Yes.

Mackey: And then also, um, it looked like you went over to, um, the car that Loehman was sitting in.

■ I did. I did go over, and I assessed him. He was injured.

Mackey: OK.

■ I wrote that down in the statement.

Mackey: Yeah.

■ So, I went up and – He did say some things to me, and if we can go over that. I wrote it down.

Mackey: What all did he say to you; just off...?

■ I don't want to – I'll just read exactly. So, I went over there; um. So, I asked him if he was OK. When I went up, he looked distraught, and he looked like he was in a significant amount of pain. He was kind of like; like holding his leg up and his ankle.

Mackey: Uh-huh.

■ So, I asked him, "Hey, are you OK?" And I told him that there's going be another ambulance here to transfer him to the hospital. And uh, he said he'd be OK until EMS arrived, and he didn't require any uh, medical treatment.

Mackey: OK.

■ And uh, then he said, like he made this spontaneous utterance that like, "He had a gun and he reached for it."

Mackey: OK.

■ And uh, he seemed pretty distraught.

Mackey: OK.

■ About the whole situation.

Mackey: Distraught as, as far as – have you been around people in combat...

■ Yeah.

Mackey: ... um, that fired their weapons before? Um, is it like uh, shell shock type reaction or is it a...

■ I just think it's, uh – I can't speak to his mind set. I mean, I don't think he was jumping for joy over the situation.

Mackey: OK.

■ He seemed like a guy that was put in a very difficult situation and had to make a very quick decision based upon, you know, what he believed was a imminent fear of death or serious physical injury to himself, and he reacted to it. Either way, I don't think it was a position he wanted to be put in.

Mackey: OK; did – outside of he had a gun; (inaudible) he had a gun, was there anything else ...

■ He said, uh...

Mackey: ...that he mentioned to you?

■ He said uh, he had a gun and uh, he reached for it after he told him to show him his hands.

Mackey: OK; um...

■ That's why, I'm like. "I'm just here to make sure you're OK;" like that's...

Mackey: OK.

■ Like...

Mackey: When you went up on scene originally, did you see any gun at all?

■ I never saw the gun.

Mackey: OK.

■ So, when I went towards Tamir, uh, Lentz focused on securing the crime scene, and uh, he dealt with the weapon. So, I never even actually laid eyes on it. Like I said, it was – what's going on; I'm looking at uh, Tamir; trying to assess him as I'm walking up, and I'm trying to get any type of resources that I can...

Mackey: OK.

■ ...to deal with the issue.

Mackey: OK; um, you mentioned that you had spoke to the sister that was in the back of the police car. Um, or you were there...

■ Yeah.

Mackey: ...when Les was talking to her. Did you overhear anything that the sister was saying?

■ They just – really like what I recall; I don't recall any specifics. It was just kind of uh, they were explaining, like, do you understand why, why this happened; why you were in handcuffs? It was how you were reacting, and, and uh, I think they were trying to explain that they're trying to help her brother and it's not helping when people are screaming and running in, and charging people.

Mackey: OK.

■ So, that, that's basically what it was. They were just saying – explaining why it happened, and she's like I understand, and...

Mackey: OK.

■ ...uh, I'm pretty sure she was released after that.

Mackey: OK; when you arrived on scene, she was already sitting in the back of the car?

█ Yes.

Mackey: OK; ok, let me just pull this up just to make...

Unidentified Interviewer: While he's; while he's getting the video together, I just have a few questions...

█ Yeah.

20:11

Unidentified Interviewer: ...for you as well. Um, have you ever met any of the officers prior to this date; when you arrived on scene.

█ Other than uh, Dan Lentz, I don't remember each and every person uh, Loehman...

Unidentified Interviewer: Just Loehman and his trainer?

█ As far as, I mean, could they have been in a bank robbery or something?

Unidentified Interviewer: Right.

█ I don't recall ever meeting them or...

Unidentified Interviewer: But you didn't know neither one of them personally or?

█ No...

Unidentified Interviewer: Oh, OK.

█ ,,I don't know either of them personally.

Unidentified Interviewer: When you originally received a call – or you heard the call when you were with Lentz, how long do you think it took you guys to arrive from when you were on 117<sup>th</sup> and Madison to, to, a Canal?

█ We got there probably like 3 minutes after the shooting.

Unidentified Interviewer: OK.

█ That's my recollection. I mean it was; like I said, we were close; um, maybe like a mile.

Unidentified Interviewer: OK.

■ A mile; a little over a mile away.

Unidentified Interviewer: And when you um, first started treating Tamir, how was his body positioned? Was he on the concrete; part slab? Was he on the grass? Was he close to the car or...

■ He was on the concrete.

Unidentified Interviewer: On the concrete; face down; on his back; do you recall?

■ Face up.

Unidentified Interviewer: OK. You already mentioned that Loehman was – appeared to be injured?

■ Yes.

Unidentified Interviewer: Did he explain as to why he was injured or how he got injured?

■ He said that he – mentioned he fell.

Unidentified Interviewer: He fell; OK. Now, have you seen this video he's about to show you before?

■ I've seen what was released on the news.

Unidentified Interviewer: OK.

Earl: That part.

Mackey: I'm not sure what, what all you saw. This is – I'm going to show you as soon this computer loads up. I'm going to show you just the – on your arrival...

■ Uh-huh.

Mackey: ...and just your duration. And this is the uh, when you arrived, you parked your car, from what I can see – or Lentz parked the car in that turn around – that oval area.

■ Yeah.

Mackey: Right by the pavilion.

■ I just remembered when we came in, you can see the car and I think he turns it – he flashes the lights and he turns it – I don't even – I don't even think the thing stopped before I popped out.

Mackey: OK; this um, this camera position is going to be - behind the driver side, there's a telephone pole. It's going to be uh, in the parking lot facing the um – let me get to that time period here.

Unidentified Interviewer: Did you want this?

█ That's the angle they released on the news I think.

Mackey: Yeah, yeah. Move that so the computer's not uh... OK; I'm just scrolling up to about 15:34 – the time period here. Let's see I may have gone too far. I think this is the car you were in.

17:55

█ Yes.

Mackey: Impala or something like that. So, 15:34:11; and is that you?

█ Yes.

Mackey: OK. So, you're walking up to the officer's – what are you saying to them?

█ Flag - like, what medical gear do you have? Give me your first aid kits and the medical equipment you have.

Mackey: OK.

█ They're like uh, we don't have any. I said, "How about some gloves?" And uh, a guy threw me a pair of gloves. I just went straight in there to uh, to help out from there.

Mackey: OK; have you worked with Lentz in the past?

█ Yes.

Mackey: OK; so, you're, you're workin' on him right now.

█ Yes; so, I'd be – I'm down here...

Mackey: OK.

█ ...on my knees. I was crouched down and just – figure out what was going on and how to best help him.

Mackey: Let's speed this up a little bit. I think you're back there for a little while. Any other officers besides Lentz did you recognize that were on scene?



■ No, no, not – I may have seen the sergeant before – the female sergeant.

Mackey: OK.

■ But, uh, like I said, I deal with bank robberies. Like, I don't respond to a lot of stuff, and , and, uh, so I do see and work with a lot of CPD officers, but other than Lentz, they'll be out there – jumped out or uh, I had their numbers in my phone or...

Mackey: There'll be familiar faces, maybe, but no personal relations.

■ Somebody out there I may have bumped into at a bank robbery or, or of something of that nature, but – when it's (inaudible).

Mackey: OK. That's fire coming up at 15:38, and they're assisting and doing their assessments and...

■ They came up. I said, "This is the situation." Um, told them what was goin' on, and uh,

Mackey: Oxygen and all that.

■ Yeah, I started requesting ...

Unidentified Interviewer: What's that?

Unidentified Interviewer: Take your hand away from your mouth, 'cause you're covering what you're saying.

■ Sorry.

Mackey: And, you have to forgive my ignorance on this, but so your main purp – well, any paramedic or EMT, their main purpose is to stabilize them for transport and get them – get them out of there as quick as possible? As much as you can stabilize.

■ I think that – I think that there are situations I – I ...

Unidentified Interviewer: Let's talk about this situation.

■ This situation.

Unidentified Interviewer: When you got on scene, what did you intend to do?

■ I intended to stabilize him...

Mackey: OK.

█ ...as best I could until EMS could get there and have him be transported. I think that it would have been – I think it would have been counter-productive to throw him in the back of a police car...

Mackey: OK.

█ ...and jar him around. I think that would have led to uh, poor patient outcome, and unfortunately, in this situation there was one despite their efforts with (inaudible) surgery, but I think that would have made the situation worse.

Mackey: OK; do you know what was happening here when everyone started going away at 15:41?

█ That's when – maybe when the brother storms up?

Mackey: OK.

█ Possibly; 'cause he would have been coming from this direction.

Mackey: The right hand side of the screen?

█ From what I recall; yeah.

12:54

Mackey: OK; and EMS arrives with their stretcher there?

█ I think – there's a point too; while I was providing medical aid – I'm not sure – actually when I said, "Hey, you need to get EMS here..."

Mackey: Uh-huh.

█ "...we need to get him out of here." And uh, they sent another request in for EMS to speed up their, their uh, response.

Mackey: OK; this is you. They're taking him out at ...

█ Yes.

Mackey: ...at 15:43.

12:13

Mackey: At this point is he still responsive; unresponsive?

■ So, then he – kind of towards the end there; so, get the airway open; suction it, and he's just; now, it's just kind of response to the pain and this agitated kind of moving around; moaning, but, but not – couldn't ask him a question or –

Unidentified Interviewer: Well, ■ when, when is that trait? Is that when – is that before fire gets there, after fire gets there, before EMS gets there, after EMS...

■ So, fire, fire was there – fire was there; he started getting altered.

Unidentified Interviewer: OK.

■ Until, he, he – like I said, the uh, the real pulse goes away; he loses consciousness – that was first and um, I recessed him, and (inaudible) and he just kind of – once we cleared his airway, got some O2 on him and it just was kind of a like groaning agitated...

Mackey: OK.

■ ...but not uh, he wasn't uh, oriented to what was going on at that point.

Mackey: That's when; so, that deterioration was when fire arrived. It went back and forth...

■ Like I said, its, it was kind of uh – if I look back at it, it was a progressive thing.

Mackey: M-m-m.

■ Which makes sense, given the fact that – from my understanding now, based on – when I looked at the coroner's report, was uh, his superior, or inferior (inaudible) was nicked,...

Mackey: M-m-m

■ ...and so, he was losing a lot of blood internally; so, it kind of makes sense, I think when you look at the time period, and then, the symptoms and the presentation where his radial pulse goes away.

Mackey: Right.

■ His blood pressure is obviously dropping, and uh, just causing a lack of perfusion to the tissues and the brain, and you can kind of see that when you look at everything together.

Unidentified Interviewer: Did any of the CPD officers or anyone on scene mention um, taking him in a vehicle to the hospital prior to anyone else arriving?

■ No, and I wouldn't have done that.

Unidentified Interviewer: OK.

■ I think that that – I think that would have led to a, a, a poor outcome. If you'd of just – or if they'd have just thrown him in a vehicle, he probably wouldn't have been breathing. So, you're cramped in the back of a vehicle, you know; based upon what I was dealing with on the ground. He was having – he couldn't maintain his own airway. So, if you threw him in the back of a vehicle all crunched up...

Mackey: Yeah.

■ ...I absolutely don't think he'd be maintaining his own airway. I think they would have gotten him to the hospital, you know, 5 – 10 minutes later...

Mackey: Yeah.

■ ...and he wouldn't have been breathin'.

Mackey: OK.

■ That's, that's my – that's my opinion. I never – I've never favored like a load and go approach...

Mackey: Uh-huh.

■ ...in a city. I think that, that leads to poor patient outcome. For a rural environment, and the hospital is 20 minutes away – 30 minutes away, and there's that type of response time for an ambulance to get there...

Mackey: Yeah.

■ ...then it makes sense to maybe load somebody up, and logistically work with EMS to try to meet at a closer location, but a, within a city with the response times, I don't think that that would be warranted.

Unidentified Interviewer: Well, as to this situation though, ■ Is that your opinion related to this situation and not a hypothetical...

■ This situation right here, I think throwing him in the back of the police car would not have been the right thing to do.

Mackey: OK.

■ And I would not – I did not advocate doing that. And I'm glad they didn't do it.

Mackey: Alright. Uh, 15:45; is this you entering the uh...

■ That's me.

Mackey: OK.

(8:34)

█ You know what? I pulled my coat off when I got in the back of the ambulance, 'cause it's like 100 degrees in there.

Mackey: OK; alright, and you're goin' up to the uh, patrol car where the sister's...

█ Actually, I'm walkin' up to Lentz.

Mackey: OK; and what are you guys talkin' about there? Anything that you can recall?

█ I don't, I don't, I don't recall. Like I said, there's a point where – I don't know if it's now or you see the door open, and they talk to her. And like I said, to my recollection it was there – they're explaining, "Hey, this is why this happened." And I may have said – I think I did tell her, I said, you know, "This is very serious – your brother. It's a serious injury, but he's on his way to the hospital. They're aware that he's coming. This is probably the best situation. He's goin' to be there, probably with a trauma surgeon, in under an hour."

Mackey: OK.

█ So...

Mackey: You guys, um, start walkin' at 15:46. You start walkin' towards the upper right of the screen, and you're goin' to be goin' off camera here. Do you know what you were doin' over here?

█ I don't know.

Mackey: OK.

█ I think I was just followin' uh, Dan Lentz, as I recall.

Mackey: And do you recall what he was doin' as far as talkin' to anyone or...?

█ No.

Mackey: OK.

█ No. I – I, everything was related to the uh, crime scene here, and...

Mackey: I'll speed it up to...

█ You know right back here.

Mackey: Uh-huh.

█ I think we actually lifted up the crime scene tape for a vehicle – a police vehicle to leave.

Mackey: OK.

Unidentified Interviewer: Earlier you mentioned spontaneous utterance, and you'll get to a point in here where he'll probably ask you a few questions.

█ Yeah.

Unidentified Interviewer: Trans – what is your meaning of spontaneous utterance?

█ Uh, I did not solicit any information to him, he just came out and said it.

Unidentified Interviewer: OK.

█ I wasn't asking him any questions related to this, this whole thing. He just – when I came up – you're referring to when I...

Unidentified Interviewer: Right; he'll get into it,...

█ OK.

Unidentified Interviewer: ...'cause you'll probably be a portion where you're coming down to the car, and...

Mackey: Is this you right here?

█ Yes.

Mackey: I think you just lift the tape for that...

█ Uh-huh.

Mackey: ...vehicle that was leaving. So, uh, 15:48, you come up to this patrol car here...

█ Uh-huh; he's seated in there.

Mackey: ...and that's Loehman sittin' in the car?

█ Right.

Mackey: OK.

█ You know, I made a mistake in before when he was in there. Like I said, when I approached the scene, my main concern was: what's the medical equipment and ...

Unidentified Interviewer: (inaudible)

█ ...and yeah, and the patient, but I'm tryin' to get uh, uh, the best impression that I can as I approach; gather as much information, and get any resources that I can there to start solving the medical problem.

Mackey: OK; and at um, you walked away from this vehicle here that the officer was sitting in with the injured ankle. You walked up to this – the responding...

█ Alright...

Mackey: ...you're seeing the back door right now.

█ ...the doors open; so, this is where the sister is.

Mackey: Uh-huh, and at this point, were you – do you recall what you were sayin' there or her sayin' to you?

█ This is probably – I think she was askin' about her brother, and I – I was explaining that it was a very serious injury,...

Mackey: OK.

█ ...but he's on his way to the hospital.

Mackey: OK.

█ He's goin' to get the help that he needs.

Mackey: And it looks like Lentz, I think, is in the doorway there, too.

█ Yeah.

Mackey: OK.

█ And he was, he was speaking to her, too, and I think – like I said. What I recall is – I was explaining, this is why you're put in the, in the police car.

Mackey: Uh-huh.

█ To try to give her an understanding and calm her down, and she was. She was calming down, you know. "If you're going to be calm, we want to let you out of here. You just need to calm down."

Mackey: OK; and you and Letnz were up here chit-chatting; it looks like. Do you remember anything you were talkin' about?

■ So, I think over here, this is when we were both like, OK; well, let's look around.

Mackey: Uh-huh.

■ Is there any camera footage like the rec center? And I think we're like lookin' around, and then you can see there's a plant. I think where we're pointing it's like, 'cause I remember like, "Hey, there's a fish-eye camera on the side of the rec center. We should have somebody go in there and see if there's video recording."

Mackey: OK; and uh, around 15:50 it looks like Lentz goes up to the vehicle that the officer with the injured ankle's in, and you do as well. Do you remember anything that was being discussed here?

■ No.

Mackey: Specifically...

■ No.

Mackey: OK; do you remember overhearing uh, the patrolman with the injured ankle talkin' to anyone else?

■ No.

Mackey: Overhearing anything he was saying?

■ No.

Mackey: Right now, how would you describe his demeanor if you recall from your chattin' with him?

■ Distraught; he's in pain.

Mackey: OK.

■ I think it was a uh, a, very difficult situation for him to deal with, and, and, you know, probably now as the adrenaline is wearing off, I think the realization is kicking in that he just had to shoot somebody.

3:13

Mackey: Uh-huh.



■ He seemed distraught about it.

Mackey: OK. When you were on...

■ At least that's my opinion. I'm not...

Mackey: Yeah.

■ ...in his head; his brain and what's goin' on.

Mackey: Absolutely understandable. When you were on scene here, again you never saw any weapon in question?

■ I did not.

Mackey: OK.

■ I never saw the weapon.

Mackey: Do you recall hearing anything about um, that there was a weapon...

■ Yes.

Mackey: ...there was a knife or anything like that.

■ No, I don't recall anything about a knife. I heard a weapon, and uh, and then it was – everybody thought, I think, it was a real weapon until – I think Lentz may have been the one that actually recovered it and cleared it.

Mackey: OK.

■ And it's like, it looks like a real weapon.

Mackey: OK.

■ Everybody thought they did until they got in custody. I never laid eyes on it.

Mackey: OK.

■ The only time I saw for sure the weapon was on the news...

Mackey: OK.

■ ...afterwards, because I didn't see it on scene.

Mackey: Alright.

Unidentified Interviewer: Did you hear the sister mention anything about a weapon or making any threats while you were near the car?

■ I, I don't remember. I don't remember hearing her say anything about that. The only – like I said, the threats were from - we figured out later with the brother...

Unidentified Interviewer: Right.

Unidentified Interviewer: Did you at any point while you were on scene kind of get a little nervous yourself in reference to your safety, because...

■ When he was approaching...

Unidentified Interviewer: ...of the actions from the women and you know the sister and the brother?

■ Uh, absolutely. I mean it's you've got your head down; your down and in dealing with the problem, and you don't have any situational awareness about what's goin' on around you; so, probably the big part was when the brother stormed up. Like I said, I looked up and - is somebody going to deal with this, because uh, I felt fear for my safety.

Mackey: And for the rest of this video...

■ Huh?

Mackey: ...it looks like just you and Lentz walking around. Um, but you don't remem – recall anything specific outside of what you already told us?

■ No.

Mackey: OK; so, we'll shut that off.

■ We just uh, as we kind of left it, we asked the Sergeant, you know, is there anything we can do to assist?

Mackey: OK.

■ And uh, kind of like, "No, just make sure you get logged in on the crime scene, and we, we left.

Mackey: OK; um, do you recall here – over hear, anyone saying, "Why, why..." Talkin' to Lentz or sayin', "Why's this guy here?"

■ I think that was like a maybe after the, after the fact thing; not on scene.

Mackey: OK.

■ I don't remember that.

Mackey: OK; alright; is there anything that I didn't ask that you'd like to throw in or think would be a benefit? OK; anyone else have anything to add at all?

Unidentified Interviewer: Did anyone compel you or force you to give a statement to speak with us today?

■ No; absolutely not.

Unidentified Interviewer: I don't have anything further.

Mackey: Well, I appreciate it, and uh, let's see...

Unidentified Interviewer: Well, thank you for your service.

Mackey: Yeah, I appreciate it.

■ Not a problem.

Mackey: It's 11:52 and that concludes this interview.

**CUYAHOGA COUNTY SHERIFF'S OFFICE**

b6-22

FILE NO. 15-00004

DATE 03/02/2015

FROM Detective David Jacobs TO Sergeant Eugene Sharpe

SUBJECT Synopsis of Cell phone extractions (2) performed by BCI

COPIES TO File

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On February 23<sup>rd</sup>, 2015 Detective John Morgan served the Attorney General's Office, Bureau of Criminal Investigation (BCI), Richfield Division with a search warrant. The search warrant was obtained in Summit County by Detective Morgan. BCI Richfield was in possession of two cell phones that were attributed to Tamir RICE. The two cell phones were submitted to BCI Richfield on December 1, 2014 by Detective Ray Diaz, Cleveland Police Department (CPD). As a result of the search warrant submitted by Detective Morgan, BCI, Richfield Lab performed a forensic exam (extraction) of the two aforementioned cell phones (described below.) A CD/DVD was created of the extraction and Detective Morgan obtained the CD/DVD on February 23<sup>rd</sup>, 2015. The following is a brief synopsis of that material:

**EV1-**Described as an LG manufactured mobile phone, model LG-AS730, bearing serial number [REDACTED]. In addition to making and receiving phone calls, EV1 is capable of sending and receiving Short Message Service (SMS) messages, Multi-media Message (MMS) messages, instant messages and email. EV1 is equipped with a camera and is capable of creating and viewing graphic image and video files. EV1 is capable of accessing the Internet and installing applications. EV1 has an advertised maximum storage of four (4) Gigabytes (GB). EV1 is capable of additional storage through use of a micro Secure Digital (SD) card slot.

Due to enabled security features and lack of Joint Test Access Group (JTAG) support, a direct read of the embedded Multimedia Card was done using In Service Processing (ISP) connections. The resulting file is approximately 3.68 GB in size. The following accounts are associated with EV1:

Google Services: [REDACTED]

Facebook: login [REDACTED]

Facebook ID: [REDACTED]

Account Name: [REDACTED]

Email: [REDACTED]

**EV2-**Described as a Samsung manufactured mobile phone; model Tracfone [REDACTED], serial number [REDACTED]. EV2 is capable of sending and receiving phone calls and Short Message Service (SMS) messages. EV2 also had a Subscriber Identity Module (SIM) card bearing the Integrated Circuit Card Identifier (ICCID) [REDACTED] is assigned the phone number [REDACTED].

A review of the CD/DVD was performed and it was determined there were several photos downloaded from the internet, a short list of numbers called, contacts, a small number of text messages all of which are contained on the CD/DVD. There were calls made from one of the phones on November 22<sup>nd</sup>, 2014 prior to the incident under investigation. Further investigation will determine who possessed the phones called during the period in question.

Respectfully Submitted,

Detective David Jacobs #211

## CUYAHOGA COUNTY SHERIFF'S OFFICE

013-55

FILE NO. 15-00004

DATE April 6, 2015

FROM Detective John Morgan #241

TO Sergeant Sharpe

SUBJECT Synopsis of interview with  
[REDACTED] [REDACTED]

COPIES TO Lt. Smith, File

On March 11, 2015 while assigned to the Cuyahoga County Sheriff's Detective Bureau and in company with Detective David Jacobs, we were assigned by Sergeant Eugene Sharpe to conduct a follow up investigation into a Cleveland Police Use of Deadly Force incident which occurred on November 22, 2014 at the Cudell Recreation Center (CRC). The following is result of that investigation.

On this date investigators had the occasion to interview [REDACTED] in the presence of his mother [REDACTED], his grandmother [REDACTED] and the family attorney [REDACTED] at the Cleveland offices of The Alcohol Tobacco and Firearms located at 5055 Rockside Road Suite 700, Independence, Ohio.

Detectives had previously discovered an audio recorded interview conducted by a WKSU reporter of [REDACTED] [REDACTED] on November 23, 2014. During this interview [REDACTED] explained how he was responsible for providing TAMIR RICE the BB gun and how the entire situation was his fault. The following is a synopsis of the video recorded interview provided to members of the Cuyahoga County Sheriff's Department.

[REDACTED], DOE [REDACTED], ADDRESS: [REDACTED]

[REDACTED] stated that he has known RICE and his family since he moved in the neighborhood almost one year ago. He stated that the RICE family moved in the neighborhood before his family and that he and RICE were very close and that they hung out together often.

[REDACTED] stated that RICR lives in the house across the street from him, he has two sisters [REDACTED] [REDACTED] and a brother named [REDACTED] [REDACTED] stated that RICE lives with his mother and his two sisters on West 100<sup>th</sup> Street and his brother lives with his father.

[REDACTED] recalled on November 22, 2014 [REDACTED] and his cousin [REDACTED] [REDACTED] met RICE and his sister [REDACTED] at or about 10:30 AM and walked over to the CRC. [REDACTED] stated that RICE asked to see his toy BB gun; in exchange, [REDACTED] received a cellular telephone from RICE to access the internet. [REDACTED] explained that he was wearing a long sleeve Red shirt and carrying Black backpack on that day.

[REDACTED] stated that his father purchased the BB gun from an unknown Walmart location in the Cleveland area; he stated that he had the BB gun for a long time. The BB gun magazine had a capacity of 12 BB'S and the gun was spring activated.

[REDACTED] stated that one day the gun had malfunctioned and he attempted to fix it. He disassembled the gun discovered the problem, fixed the problem and when he reassembled the gun he was *unable* to get the "Orange tip" back on the gun.

████ continued, stating that after RICE received the gun he began playing with it then put the gun in his pocket before we they all went inside of the recreation center. He stated that RICE had received a telephone call and that soon after that call █████ and RICE left to go back home after the telephone call. He stated that RICE was supposed to give the gun back to him later on that day.

████ stated that later in the day he texted RICE and did not get an answer, and then texted █████ to let her know that he was going to come back to the CRC. He stated that he then went to McDonald's on W.105<sup>th</sup> St., then headed back to the CRC after he had heard that RICE had been shot.

████ stated that RICE had owned a black LG cellular telephone that he either found or his mother had given to him. He stated that he communicated with RICE through various social media websites that they were able to access through a Wi-Fi connection. They communicated through KIK and Facebook. The following are screen names associated the various social media websites:

**TAMIR RICE'S SCREEN NAMES:**

**FACEBOOK-** █████

**KIK-** █████

**████ SCREEN NAMES:**

**FACEBOOK-** █████

████ stated that he believed that RICE owned three (3) different Facebook.com accounts, all with different variations of his name, further he was aware that RICE'S mother, brother and sister █████ all had Facebook.com accounts.

████ stated that RICE has borrowed the gun from him on several occasions and has even kept his BB gun overnight in the past. █████ stated that RICE had problems in the past with kids picking on him. █████

████ stated that the very next day, November 23, 2014, he was at the CRC and ran into █████ and █████ He stated that he along with █████ and █████ gave interviews to several different news agencies.

████ was then shown the surveillance video from the CRC to help investigators understand the sequence of events leading up to the Use of Deadly Force. █████ was able to explain the following from the video:

- █████ pointed out Himself RICE and █████ walking to the recreation center.
- █████ showed investigators RICE placing the gun back into his backpack. (11:04)
- █████ RICE and █████ enter the Recreation Center. (11:06)
- █████ states that once in the Recreation Center they go to the game room.
- █████ RICE and █████ outside of the recreation center doors. RICE takes the gun back and places it in his outer jacket pocket. █████ tells RICE that someone could mistake that for a real gun. RICE then puts the gun in his back pocket. (12:21) RICE gives the gun back to █████
- █████ comes into the video and is with RICE, █████ and himself (12:30) █████ states that RICE has then gun now. (Not sure)
- (1:04) █████ gives the gun back to RICE who then puts the gun in his back pocket.

# CUYAHOGA COUNTY SHERIFF'S OFFICE

075-33

- [REDACTED] RICE [REDACTED] are in the video, RICE is shooting BB's at [REDACTED] RICE was pointing the gun at his [REDACTED] he was shooting the gun at [REDACTED] but the BB's were hitting [REDACTED] Stated that TAMIR was showing us how the BB's curved. [REDACTED] stated that RICE and [REDACTED] headed home to eat lunch or do chores. (1:06)

Investigators played the Audio recorded interview which [REDACTED] provided to [REDACTED]. At the conclusion of the recording [REDACTED] stated that everything he said in the interview was true. However, [REDACTED] stated that he no longer believes that what happened that day was entirely his fault.

For a more detailed account of the interview refer to the video recorded interview located in the file.

This Matter to be further investigated.

Detective John Morgan #241

01-23-03

DATE 03/02/2015

COPIES TO File

**Detective David Jacobs**



DATE 3/2/15

COPIES TO File

**James Mackey, Detective**

CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-00004

DATE 03-30-2015

FROM Detective John Morgan #241

TO Sergeant Sharpe

SUBJECT Synopsis of interview with [REDACTED]

COPIES TO Lt. Smith, File

On March 20, 2015 while assigned to the Cuyahoga County Sheriff's Detective Bureau and in company with Detective David Jacobs, were given an assignment by Sergeant Eugene Sharpe to conduct a follow up investigation into a Cleveland Police Use of Deadly Force incident which occurred on November 22, 2014. The following is result of that investigation.

On this date investigators had the occasion to interview [REDACTED] [REDACTED] in the presence of his grandmother and legal guardian [REDACTED] at the Cleveland offices of The Alcohol Tobacco and Firearms located at 5055 Rockside Road Suite 700, Independence, Ohio. The following is a synopsis of the video recorded interview.

[REDACTED], DOB [REDACTED] ADDRESS: [REDACTED]  
GRANDMOTHER TX: [REDACTED]

[REDACTED] stated that he attends Almira Elementary School and that he has known TAMIR RICE for about one year. He stated that he met RICE through his friend [REDACTED] at The Cudell Recreation Center and only knows him from there. He has never met RICE'S mother and has never been to his home. He stated that RICE usually comes to the recreation center with his sister and will play basketball and ping pong.

On that day [REDACTED] stated that he and [REDACTED] were at the park and RICE and another boy were shooting at the tires of cars with the BB gun. [REDACTED] confessed that before he and [REDACTED] went into the recreation center that he too shot the gun with RICE.

He stated that he and [REDACTED] had arrived at the recreation center around 1:00 pm (possibly) that day, met with RICE and shortly after meeting with him they left to go into the recreation center because [REDACTED] had gotten into trouble at a Save-A-Lot store with a fake gun in the past. [REDACTED] stated that RICE was pulling the gun in and out of his pants "Like a robber would do."

[REDACTED] stated that when he and [REDACTED] were in the back of the recreation center they heard, what he thought was fireworks, but [REDACTED] believed that they were gunshots. He and [REDACTED] then went towards where they thought the sounds had come from and that's when they saw the police at the gazebo.

[REDACTED] recalled watching the police come and remembered when the FBI (Plain clothes officers) arrived. Further he stated that there were several people recording what was going on with their cellular telephones and that he could hear one person saying, "White cop shoots black boy." [REDACTED] also recalled RICE'S mother was in the front passenger seat of the ambulance when they were leaving the parking lot.

For a more details refer to video recorded interview located inside of the case file.

This matter to be further investigated.

Detective John Morgan #241

## CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-00004

DATE 3/3/15

FROM James Mackey, Detective

TO Sgt. Sharpe

SUBJECT Cleveland Dispatcher Interview Request (Foley, Mandl and Hollinger)

COPIES TO File

On February 24, 2015 I was given an assignment by Sergeant Eugene Sharpe to schedule an interview for Dispatchers Renee Foley, Beth Mandl and Constance Hollinger in relation to their knowledge, and recollections of 911 call received and dispatched regarding a male with a gun at Cudell Recreation Center that occurred on November 22, 2015.

On March 3, 2015 I was able to make contact with Chief Union Stewart Bobby Holub [REDACTED] [REDACTED] in regards to scheduling an interview with both Dispatcher Beth Mandl and Dispatcher Constance Hollinger and their connection with this case. She referred me to the Dispatchers Union Attorney, Keith Wolgumuth at [REDACTED]

I spoke with Mr. Wolgumuth on the phone and advised him that we would like to speak with the two dispatchers directly involved with this case (Hollinger and Mandl). I informed him that a majority of the case file we received from Cleveland had large tracks of redacted information that was either Garrity statements or information learned through those statements. He was informed that this is not an administrative investigation and that this is an investigation centering on the use of force used. I further informed him that his clients would not be read Miranda per APA Gutierrez and APA Meyer.

Mr. Wolgumuth was left with my contact information and he stated he would confer with his clients and get back with me to schedule a time mutually agreeable with him and his clients.

A follow up call was placed to Chief Dispatcher Renee Foley at [REDACTED] [REDACTED] I asked if this was a good time to speak with her and she informed me that it was not and she was just beginning her shift. She further went on to say that she does not know if she will be able to talk with me and she has not ran it past her Lieutenant yet. She would not expand on a reason for not speaking with me but said she would call me back later in the evening.

//////S//////

James Mackey, Detective

## CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-00004

DATE 3/03/15

FROM James Mackey, Detective

TO Sgt. Sharpe

SUBJECT WKSU Audio Files Summary

COPIES TO File

On March 3, 2015 Nicole DeCaprio, Office of General Counsel for Kent State University, had responded and satisfied the subpoena for WKSU (GJS-1017613). I received an email with two mp3 files attached. The two files are from an interview of [REDACTED] conducted by WKSU Reporter Kabir Bhatia. Although WKSU identified the juvenile male as [REDACTED] through our investigation it was learned that the real identity is [REDACTED]

- [REDACTED] pt1[1].mp3 (3 minutes and 7 seconds in length)
- [REDACTED] pt2[1].mp3 (48 seconds in length)

Below are some excerpts from [REDACTED] pt[1].mp3:

- At 23 seconds [REDACTED] said *"I was with him here when he had it and I know I shouldn't have left because I told him he had to be careful with it, and it looked real when he had it"*.
- At one minute [REDACTED] asked [REDACTED] if he knew where he got the BB gun, [REDACTED] said "he got it from me".

Excerpt from [REDACTED] pt2[1].mp3:

- At 21 seconds [REDACTED] asked [REDACTED] if he knew how the orange piece came off the end and [REDACTED] said *"When I gave it to him the orange piece was removed by me"*.

For further please refer to the audio files that have been loaded into the case file.

//////S/////

James Mackey, Detective

## CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-00004

DATE 3/4/15

FROM James Mackey, Detective

TO Sgt. Sharpe

SUBJECT Cleveland Dispatcher Interview Request

COPIES TO File

On February 24, 2015 I was given an assignment by Sergeant Eugene Sharpe to schedule an interview for Dispatchers Renee Foley, Beth Mandl and Constance Hollinger in relation to their knowledge and recollections of 911 calls received and dispatched regarding the Tamir Rice that occurred on November 22, 2015.

On March 4, 2015 I received an email from Chief Dispatcher Renee Foley ( [REDACTED] ) declining an interview with our agency. The email stated "*I spoke with my union and we have decided to decline on the interview at this time*". I sent a follow up email to her thanking her for her response. I also requested that she provide me with her union attorney name and contact information.

//////S//////

James Mackey, Detective

## CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-00004

DATE 3/5/15

FROM James Mackey, Detective

TO Sgt. Sharpe

SUBJECT Cleveland Dispatcher Interview Request Follow Up (Mandl and Hollinger)

COPIES TO File

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On March 5, 2015 I contacted CPPA Dispatchers Union Attorney Keith Wolgumuth at [REDACTED] to follow up with him regarding an interview with his two clients, Dispatcher Beth Mandl and Dispatcher Constance Hollinger. Mr. Wolgumuth declined an interview on behalf of his clients citing the current climate and complexity of the dispatcher's job; they are unable to accommodate an unprotected statement at this time.

Mr. Wolgumuth was advised of the possibility that his two clients may be summonsed to testify before the Cuyahoga County Grand Jury in this matter. He informed me he would speak with his clients and advise me if they change their stance.

//////S//////

James Mackey, Detective

CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-00004

DATE 03-08-2015

FROM Detective John Morgan #241

TO Sergeant Sharpe

SUBJECT Synopsis of interview with [REDACTED]

COPIES TO Lt. Smith, File

On this date, March 5, 2015 while assigned to the Cuyahoga County Sheriff's Detective Bureau, and in company with Detective David Jacobs we were assigned by Sergeant Eugene Sharpe to conduct a follow up investigation into a Cleveland Police Use of Deadly Force Incident which occurred at the Cudell Recreation Center on November 22, 2014. The following is a result of that follow up investigation.

On this date investigators had the occasion to interview [REDACTED] [REDACTED] at the offices of The Alcohol Tobacco and Firearms Agency (ATF) located at 5055 Rockside Road, Suite 700, Independence, Ohio. The following is a synopsis of that recorded interview:

[REDACTED] W/M/52, DOB [REDACTED] SSN: [REDACTED]

[REDACTED] TX: [REDACTED]

[REDACTED] stated that he is currently unemployed due to a physical disability which he has had for a number of years and that he receives Social Security Disability for his physical ailments. [REDACTED] stated that he grew up here in the Parma/Seven Hills area and has been a resident of Cleveland area for most of his adult life.

[REDACTED] confirmed that he was the 911 caller on November 22, 2014. He stated that on the evening of November 21, 2014 he slept at a friend's house located on West 99<sup>th</sup> Street just south of Madison Avenue. [REDACTED] continued, stating that on Saturday November 22, 2014 he woke up late in the morning and remembered his friend leaving to go out. His friend told him that he didn't have to leave but to lock the door when he left the residence. He stated that when he did finally leave the house he was dressed in jeans a hooded sweatshirt and a jacket, he went to a local store located on Madison Avenue and purchased a 24 ounce can of beer prior to going to Cudell Park.

[REDACTED] stated that he knew the exact time that the Regional Transit Authority (RTA) bus would depart the West Boulevard transit station (2:30pm) so he had a some time to waste. During this time he planned to consume his beer which he had purchased in the Cudell Recreation Center gazebo until it was time to walk across the street to catch the bus.

[REDACTED] stated that shortly after he had arrived at the park, he sat down in the gazebo and noticed an "older looking" black male who was walking from the recreation center. This male, later identified as Tamir RICE, walked on the sidewalk in front of him but closer to the parking lot. He stated that the male was acting "Gangster" by pulling a gun in and out of his waistband and pointing it straight out in front of him then returning the gun back to his waistband. He stated that this male repeated this same motion at least six to seven times.

## CUYAHOGA COUNTY SHERIFF'S OFFICE

████████ stated that he had been a victim of a previous assault in 2012, because of this he became frightened by these actions and refused to make eye contact with this male fearing that he would approach him. █████████ recalled that at one point this male had even pulled out the gun on a passerby, pointing the gun directly in the woman's face as she walked by him on the sidewalk.

He stated that the male also appeared to be saying something on occasion when he pulled out the gun, but █████████ informed investigators that he did not have his hearing aid and could not clearly determine what the male was saying.

████████ stated that when the male walked back toward the recreation center and away from him, he took out his cellular telephone to place a call to the 911 dispatcher. Either during or just before the 911 call, █████████ stated that male walked back towards him, walked past him on the sidewalk and sat on the swing located in the park. He stated that because he had his "Hoodie" up over his head, he was trying to conceal the fact that he was on the telephone from the male. He stated that at one point he was afraid that he may be shot in the back if had gotten up and walked toward the transit station.

████████ stated that he kept peeking at the male on the swings, and when he saw that the male had his back to him, he got up from the bench and calmly walked toward the transit station. He stated that he got on the bus and headed downtown. █████████ stated that he did not know what had happened after he placed the 911 call until either later during that evening's late local news or the next day. █████████ reiterated that he was not threatened by this male and that he did not come into direct contact with this person.

At this point investigators played a copy of the original 911 call which █████████ had placed to Cleveland Police Dispatch. During this call █████████ clearly stated to the dispatcher that the gun was "probably fake" and that the male was probably a juvenile. When asked why he mentioned this to the dispatcher; he stated that he didn't know if the gun was fake or not, nor did he know if the male was a juvenile. When asked why earlier in the interview he mentioned that he believed that the male was 20 years of age; he stated that the male was a big boy and didn't know that he was only 12 years of age, but because of his size he looked much older.

This matter to be further investigated.

Detective John Morgan #241



# CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-00004

DATE 03/09/2015

FROM Detective David Jacobs

TO Sergeant Eugene Sharpe

SUBJECT Interview of Ronald E. Fields- 03/05/2015

COPIES TO File

Ronald E. FIELDS, City of Cleveland, Recreation Center Manager, [REDACTED], date of birth [REDACTED] cell phone number [REDACTED] was advised of the identities of the interviewing Detectives and the purpose of the interview. FIELDS thereafter provided the following information regarding the Use of Deadly Force by Cleveland Police Department (CPD) on November 22, 2014 at the Cudell Recreation Center (CRC), 1910 West Boulevard, Cleveland, Ohio:

FIELDS began his employment with the City of Cleveland Recreation Department in 2006 and was promoted to Recreation Center Manager at the CRC in 2007. FIELDS typically works Monday thru Friday, 11am to 7:30pm. Business hours for the CRC are Mondays thru Fridays 11:30am to 8pm and Saturdays 9:30am to 6pm. CRC is closed on Sundays.

There are approximately 178,000 members for City of Cleveland Recreation Centers throughout the entire city. Anyone can be a member as long as they fill out an application and it is free to join. Once a member, you can use any recreation center throughout the city. As a member you are given a six digit code (present day), you must enter the code upon entering a recreation center. After entering the code an employee for the recreation center will ask a destination and enter a program as the member would indicate.

CRC has a gym, game room, three weight rooms, indoor/outdoor pool, sauna, two Judo rooms, one boxing room, Girl Scout room, computer room, outdoor playground, and football/soccer field. Some of the areas mentioned have restrictions regarding usage. No one under the age of eight (8) can enter a recreation center without a parent/guardian. There are currently twenty-two (22) recreation centers throughout the City of Cleveland.

On November 22<sup>nd</sup>, 2014 the following were employed at the CRC; Archie Kellom, custodian (off), Joe Munoz, Recreation Instructor (off), Joyce Almeida (off) and Rhonda Butler (on), Physical Directors/Lifeguards, Milton Smith and Jessica Ortiz (both on), Part-time Recreation Instructors. The City of Cleveland also contracts with SafeChoice Company to employ off-duty Police Officers for a security positions at the CRC. The shifts for the security positions are Monday thru Fridays are from 4pm to 8pm and Saturdays 2pm to 6pm. SafeChoice Company Supervisor is Anthony Spencer. On Saturday, November 22, 2014, CPD Officer William Cunningham was working in an off-duty capacity at the CRC wearing his CPD uniform. FIELDS also indicated that when he arrived he noticed Anthony Spencer, Safechoice was on scene and may have been wearing a body camera.

On November 22<sup>nd</sup>, 2014 FIELDS was not working at the CRC, but did receive a phone call at approximately 3:35pm from Milton Smith, CRC employee. Smith told FIELDS that "Tamir" was killed by cops; they (cops) shot him. FIELDS told Smith he was on his way and called his supervisor, Jen Ryba, Regional manager and Commissioner Scott Gissentaner. FIELDS arrived at CRC at approximately 4:00pm where he was met by Commissioner Gissentaner. FIELDS parked on the west end of the lot facing north. FIELDS described the CRC lot as chaotic. FIELDS noticed media trucks, emergency vehicles and police cars. As FIELDS was walking toward CRC he noticed Tamir's sister in the back of a police car. Tamir's sister was in the backseat of the police car parked near the gazebo. The window was down and Tamir's sister was reaching her arms and hands out of the window for FIELDS.

## CUYAHOGA COUNTY SHERIFF'S OFFICE

013-30

As FIELDS arrived he was tasked by his supervisor to assist Police Detectives getting video footage and information regarding members of CRC. FIELDS did witness Tamir's sister get released from the back of the police car whereas she walked calmly into the CRC.

FIELDS was very familiar with Tamir; he has known Tamir for approximately one and one half years. FIELDS was familiar with Tamir because he was at the CRC almost every day, whether it was with his school (Marion Seltzer) or after school. FIELDS was also familiar with his sister who was usually with Tamir. FIELDS has never had any issues with Tamir or his sister, citing, he never "blocked" their memberships. FIELDS went on to say if members were "blocked" it was because they broke some type of recreation rule or policy. The last time FIELDS saw Tamir was the Friday, November 21<sup>st</sup>, 2014. Tamir (at the CRC) was playing on his phone and FIELDS playfully pretended to knock the cell phone from his hands. Tamir responded to FIELDS by saying *"c'mon, it's all I do; I come to the rec and play games."*

FIELDS provided the following names of some of Tamir's known associates. The names listed below are people that FIELDS would see Tamir with while at the CRC. [REDACTED] [REDACTED] [REDACTED] and [REDACTED]'s sister who is two years older. All the names listed above are juveniles. FIELDS was shown CRC video surveillance depicting different individuals interacting with Tamir prior to him being shot on November 22<sup>nd</sup>, 2014. In the surveillance footage FIELDS identified Tamir, [REDACTED] (black backpack), [REDACTED] "last name unknown" (LNU) (fur coat), [REDACTED] (plaid jacket), [REDACTED] (black clothing, white male) and possibly [REDACTED] (small child, red hat.)

FIELDS stayed at the CRC that night until 10:30pm assisting CPD Detectives with obtaining video surveillance footage, this took several hours. FIELDS indicated that CPD copied surveillance footage to CD's and thumb drives. FIELDS stated there are ten (10) video cameras located at the CRC, some of which were working and some of which were frozen with ice.

Respectfully Submitted,

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Detective David Jacobs

CUYAHOGA COUNTY SHERIFF'S OFFICE

013-03

FILE NO. 15-00004

DATE 03/09/2015

FROM Detective David Jacobs

TO Sergeant Eugene Sharpe

SUBJECT Interview of [REDACTED] telephonically

COPIES TO File

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[REDACTED], date of birth [REDACTED] cell phone number [REDACTED] was advised of the identity of the interviewing Detective and the purpose of the interview. [REDACTED] thereafter provided the following information regarding the Use of Deadly Force at the Cudell Recreation Center (CRC) on November 22<sup>nd</sup>, 2014.

[REDACTED] was contacted via her cell phone and the writer requested an opportunity to speak with her regarding any information she could provide as it pertains to the captioned case. [REDACTED] indicated she was contacted by Cleveland Police Department (CPD) Detectives at an earlier date. [REDACTED] stated she did not witness the incident but did hear screaming after the fact. [REDACTED] remained in her residence and did not go across the street to the scene of the incident. [REDACTED] recently moved to the area but did state that her son was familiar with Tamir, but she did not really know Tamir. There is no need for further interview of [REDACTED] unless new information is obtained.

Respectfully Submitted,

Detective David Jacobs #211

CUYAHOGA COUNTY SHERIFF'S OFFICE

03-09

FILE NO. 15-00004

DATE 03/09/2015

FROM Detective David Jacobs

TO Sergeant Eugene Sharpe

SUBJECT Phone message for [REDACTED] [REDACTED]

COPIES TO File

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[REDACTED] [REDACTED] [REDACTED] Street, Cleveland, Ohio 44102, date of birth [REDACTED] cell phone [REDACTED] was listed as a witness on the Cleveland Police Department (CPD) report. A phone message was left for [REDACTED] on 03/09/2015 at approximately 3:00pm. Further investigation to follow.

Respectfully Submitted,

Detective David Jacobs #211

[REDACTED] message

۱۳۰۰-۱۳۰۱

DATE 03/09/2015

**TO** Sergeant Eugene Sharpe

**SUBJECT** Interview [REDACTED] telephonically

**COPIES TO      File**

Tiffany DAVIS, [REDACTED], date of birth [REDACTED] cell phone number [REDACTED] was interviewed telephonically by the writer. [REDACTED] thereafter provided the following information regarding the use of deadly force at Cudell Recreation Center (CRC) on November 22<sup>nd</sup>, 2014.

█████ advised she was at work during the captioned event and after arriving home from work she noticed a business card from a female Detective with the Cleveland Police Department (CPD). DAVIS contacted the female CPD Detective she thought her name was "Kathy." █████ advised CPD she was at work at the time of incident and did not witness anything. DAVIS will not be interviewed further unless new information arises.

Respectfully Submitted,

**Detective David Jacobs**

CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-00004

DATE 03/09/2015

FROM Detective David Jacobs

TO Sergeant Eugene Sharpe

SUBJECT List Cleveland Police Officers on scene

COPIES TO File

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The following list of Cleveland Police Department Officers arrived on the scene at Cudell recreation Center (CRC), 1910 West Boulevard, Cleveland, Ohio 44102 on November 22<sup>nd</sup>, 2014, approximately zero to ten minutes after the use of deadly force took place:

1A25-Frank Garmback #1582-assigned unit  
1A25-Tim Loehmann #1231-assigned unit  
1A26-Ken Zverina #2437-secure scene  
1A26-Ricardo Roman #980-secure scene  
1S23-Janell Rutherford #9087-scene supervisor  
1C21-Lou Kitko #553-secure scene  
1C24-Tom Griffin #684-scene log  
176-Dan Lentz/SA [REDACTED] (FBI)

Please refer to the complete list of Officers on the CPD crime scene log. The aforementioned Officers were the initial responders.

Respectfully Submitted,

Detective David Jacobs #211

# CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-00004

DATE 03-10-2015

FROM Det. Homer Allen

TO Sgt. Eugene Sharpe

SUBJECT Interview Summary for Milton Smith

COPIES TO File

Sir,

On March 5th, 2015 while assigned to the Cuyahoga County Sheriff's Detective Bureau I was given an assignment by Sergeant Eugene Sharpe to conduct an interview on Milton Smith into a Cleveland Police Use of Deadly Force incident which occurred on November 22, 2014. The following is result of that interview.

**WITNESS:** Milton Smith

DOB: [REDACTED]

Address: [REDACTED]

Cellular Number: (440) [REDACTED]

## SUMMARY:

Milton Smith was employed in a part-time capacity at the Cudell Recreation Center on November 22, 2014 as a Recreation Instructor. He has been employed there approximately 2 years. He was working with another Cudell employee "Jessica" and CPD Officer Cunningham. While conducting his regular duties, he heard what sounded like gun shots, but did not think anything about it until several kids exited the building at which time he and Officer Cunningham exited. He overheard one of the kids state "*Its Tamir*" as a girl (Tamir's Sister) began yelling and started running over to location of shooting, she was immediately taken into custody.

Milton called his supervisor Ron Fields and informed him of the incident, while observing Officer Cunningham waving him away from coming any further. Milton observed that Tamir was laying on his back with his legs bent, facing him (North) and his head facing (South). Two additional Officers and One Police car was observed. He did not see any weapons from his location.

Upon having Milton review the camera surveillance of incident he was able to ID the following individuals:

Tamir Sister

[REDACTED]

Co-Worker Jessica

Submitted for your review,

Homer Allen

CUYAHOGA COUNTY SHERIFF'S OFFICE

03-30

FILE NO. 15-00004

DATE 03/10/2015

FROM Detective David Jacobs TO Sergeant Eugene Sharpe  
SUBJECT Meeting with Dr. Thomas P. Gilson, Medical Examiner  
COPIES TO File

---

The following meeting was in conjunction with the investigation of use of deadly force by Cleveland Police Department (CPD) on November 22<sup>nd</sup>, 2014 at Cudell Recreation Center (CRC), 1910 West Boulevard, Cleveland, Ohio, 44102. Cuyahoga County Sheriff's personnel at the meeting were as follows; Captain Richard Peters, Lieutenant Bryan Smith, Sergeant David Lisz and the writer. The meeting took place at the Cuyahoga County Medical Examiner's Office (CCMEO) on March 10, 2015, representing the CCMEO was the Medical Examiner, Dr. Thomas P. Gilson and Forensic Scientist (FS) Curtiss L. Jones, MS, Supervisor, Trace Evidence Department, CCMEO.

A meeting was requested in order to clarify and explain in detail the findings as it pertains to the autopsy, toxicology, and trace evidence for Tamir RICE. The post mortem report was obtained at an earlier date to include trace evidence and toxicology reports.

Dr. Gilson reviewed the entire autopsy report to include sharing conversations he had with Dr. Patel, MetroHealth Hospital, surgeon who operated on RICE before pronouncing him dead. Dr. Gilson discussed at length the findings in the autopsy report. FS Jones also explained in detail the post-mortem photos and all trace evidence collected and examined. It was determined CPD submitted evidence for DNA analysis which is not included in our initial packet from CCMEO. Further investigation will be conducted to obtain any and all reports pertaining to DNA evidence. FS Jones indicated the CCMEO was in possession of the items submitted for trace evidence examination and will maintain said items until further notice.

Respectfully Submitted,

Detective David Jacobs #211



# CUYAHOGA COUNTY SHERIFF'S OFFICE

03-33

FILE NO. 15-00004

DATE 03/10/2015

FROM Detective David Jacobs TO Sergeant Eugene Sharpe

SUBJECT DNA report from Cuyahoga County Medical  
Examiners Office (CCMEO) Tamir RICE

COPIES TO File

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The following investigation is in conjunction with the Use of Deadly Force incident involving the Cleveland Police Department (CPD), on November 22<sup>nd</sup>, 2014 at Cudell Recreation Center (CRC), 1910 West Boulevard, Cleveland, Ohio, 44102. It was learned by the writer that the CCMEO report was incomplete, lacking the DNA report as it pertains to items submitted by CPD for the captioned case. This was learned after meeting with Dr. Thomas Gilson, Cuyahoga County Medical Examiner (CCME) on March 10, 2015.

A request was made on March 10<sup>th</sup>, 2015 by Detective John Morgan, Cuyahoga County Sheriff's Office (CCSO) to the CCMEO, Dr. Nasir Butt. Dr. Butt indicated he initially sent the DNA report to Detective Ray Diaz, CPD in December of 2014. Dr. Butt emailed Detective Morgan a copy of the DNA report, which was examined by Detective Morgan and the writer. Several items were examined, item #8 (placard #3) described as "two swabs from cell phone found on the scene" returned a mixture with major and minor components. The major DNA component in this mixture matches the DNA profile of Tamir Rice.

The other item, 9.2 is described as "two swabs suspected DNA, Colt 1911 semi-auto pellet gun and magazine." The DNA profile obtained from item 9.2 is a mixture with major and minor components. The major DNA component in this mixture is unknown. Tamir Rice cannot be excluded as a possible contributor to the minor DNA component in this mixture. The report goes into probabilities; these probabilities are based on race. The DNA report was scanned to the file and a working copy was made.

Respectfully Submitted,

Detective David Jacobs #211

## CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-00004

DATE 3/10/15

FROM James Mackey, Detective

TO Sgt. Sharpe

SUBJECT CPD Range Officer Urbania Conversation

COPIES TO File

In relation to the above titled investigation I was assigned by Sargent Eugene Sharpe to arrange an interview with Officer William Cunningham. Officer Cunningham was working a part time detail at the Cudell Recreation Center (1910 West Blvd., Cleveland OH) on November 22, 2015 and was the first officer to arrive on scene to assist Officer Loehmann and Officer Garmback.

On March 10, 2015 at 3:03pm I spoke with Officer William Cunningham via phone [REDACTED] [REDACTED]. I informed him that we are conducting the Tamir Rice, Use of Deadly Force Investigation and that we would like to speak with him regarding the events of November 22, 2015. He informed me that he would have to consult with his Union prior to setting up a meeting with me and he would get back with me.

At 5:38pm Officer Cunningham called me back. He clarified with me that I was not seeking a Garrity Statement from him. After the clarification he politely declined an interview or making any statements to our office, informing me, that after consultation with his Union and per their advice, he will not be providing me with any statements. He advised me that if I have any further questions I could contact his Union President Steve Loomis or the CPPA Attorney Henry Hilow (numbers that he did not have readily available) and they would be more than happy to help me.

//////S//////

James Mackey, Detective

FROM James Mackey, Detective  
SUBJECT Interviews for Friday March 20, 2015  
COPIES TO File

TO Sgt. Sharpe

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Regarding the above captioned case on Friday March 13, 2015 I contacted the following to schedule interviews regarding this case:

-Joe Wise at [REDACTED] indicated he would meet with us but advised me to call back on Monday March 16, 2015 after he is able to check his availability.

[REDACTED] spoke with Grandmother [REDACTED] who will meet with investigators on Friday March 20, 2015 and requested a ride at 4:30pm from their residence at [REDACTED]

[REDACTED] who will meet with investigators at 5:30pm on Friday March 20, 2015.

An attempt was also made for [REDACTED] (Dad) at [REDACTED] but a female called back and informed me I have the wrong number.

A message was also left for [REDACTED] on his voicemail [REDACTED]

//////S//////

James Mackey, Detective

## CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-00004

DATE 3/16/15

FROM James Mackey, Detective

TO Sgt. Sharpe

SUBJECT [REDACTED] Follow Up

COPIES TO File

On Monday March 16, 2015 while conducting follow up investigation on 15-0004, Detective Allen and I, spoke with [REDACTED], Cleveland, Ohio. Her name appeared in the original Cleveland Police Report as having possible information on Tamir Rice.

When we spoke with her at her residence she informed us that she had mistakenly through another male juvenile in her neighborhood was Tamir Rice. She said she had seen this juvenile playing with and shooting BB guns near her house at a prior time and thought it was Tamir Rice. She realized it was not Tamir Rice because she saw the male juvenile after Tamir Rice's death.

I asked if she knew where the juvenile lived so we could speak with the parents but she could not identify the specific house.

No further follow up needed.

//////S/////

James Mackey, Detective



THE CUYAHOGA COUNTY SHERIFF'S DEPARTMENT, SHERIFF FRANK BOVA

THE JUSTICE CENTER 1215 West 3<sup>rd</sup> Street, Cleveland, Ohio 44113 [REDACTED]

To whom it may concern;

Please be advised that on 03/18/2015 Cuyahoga County Sheriff's Department Sgt. Eugene Sharpe requested the appearance of EMS Technician Ryan Bittel to answer questions regarding Incident #2014-368418 involving Cleveland Police Department and Subject Tamir Rice.

Please be advised that on this date at 1100hrs in the company of Union Representation, Bittel appeared and satisfied said request. If any additional information is required please contact Sgt. Sharpe or Det. Homer Allen at [REDACTED]

Respectfully submitted for your review,

Det. Homer Allen

## CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-00004

DATE 3/15/15

FROM James Mackey, Detective

TO Sgt. Sharpe

SUBJECT Grand Jury Subponas of Officer Cunningham, Dispatchers Foley, Mandl and Hollinger

COPIES TO File

Regarding the above captioned case on Friday March 13, 2015 I received, from the Cuyahoga County Prosecutors Office, four Grand Jury Subpoenas for the following 4 witnesses:

Chief Dispatcher Renee Foley (GJS-1021038)  
Dispatcher Beth Mandl (GJS-1021036)  
Dispatcher Constance Hollinger (GJS-1021037)  
Officer William Cunningham (GJS-1021039)

I was advised by APA Meyer that if a statement is secured from the above listed individuals prior Grand Jury date/time it would satisfy the Grand Jury Subpoena.

As I had had previous contact with the respective attorneys or unions for the above listed. I contacted Cleveland Police Patrolmen's Association (CPPA) President Steve Loomis (representing P.O. Cunningham and Dispatchers Mandl and Hollinger), and left a message for OPBA Attorney Dan Leffler (representing Chief Dispatcher Foley) advising them that subpoenas have been issued. In speaking with CPPA President Loomis, he reiterated the concerns for his members in the current climate, which were originally relayed to me by CPPA Attorney Keith Wolgumuth.

On March 15, 2015 at 10:21pm I served Chief Dispatcher Renee Foley with her subpoena and informed her of her option to speak with me prior to Grand Jury. I further advised her of the date, time and location to appear before the Grand Jury should the subpoena not be satisfied prior to her required appearance.

I also had the occasion to speak with Officer Cunningham on the phone and advised him of the issuance of his subpoena. An attempt will be made to serve him on Monday March 16, 2015 while on duty.

Dispatchers Mandl and Hollinger were served the Grand Jury Subpoenas on March 17, 2015.

On Friday March 20, 2015 I was advised by APA Meyer that the above listed individuals will be satisfying the subpoenas by meeting with Sheriff Detectives for an interview. Contact will be made with the interested parties to schedule interviews.

//////S/////

James Mackey, Detective

## CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-04 (Tamir Rice)

DATE 3/29/15

FROM James Mackey, Detective

TO Sgt. Sharpe

SUBJECT Interview of FBI Special Agent [REDACTED]

COPIES TO File

Summary

On Friday February 27, 2015 at 11:00am, Detective Allen and I (Detective Mackey) interviewed Federal Bureau of Investigation (FBI), Special Agent (SA) [REDACTED]. The interview centered around his involvement and observations after responding to "shots fired broadcasted over the radio" on Saturday November 22, 2014 at 1910 West Boulevard (Cudell Recreation Center), Cleveland OH 44102.

Details

On Friday February 27, 2015 at 11:00am, Detective Allen and I met with FBI Special Agent [REDACTED] FBI Chief Division Counsel [REDACTED] and FBI Associate Division Counsel [REDACTED] in a conference room at the FBI Cleveland Field Office in Cleveland Ohio. Also present in the conference room as observers, Sergeant Eugene Sharpe and Detective Dave Jacobs. SA [REDACTED] was meeting with us to give a voluntary statement with regard to a three (3) page report he had provided our agency regarding his involvement and observations on November 22, 2014 while responding to 1910 West Boulevard, Cleveland, OH.

Special Agent [REDACTED] has been with the FBI since 2012 assigned to the Cleveland Field Office since the beginning of his career. Currently he is assigned to the Violent Crime Task Force with a focus in Bank Robberies and serves as the Division Bank Robbery Coordinator. Prior to joining the FBI, [REDACTED] was a [REDACTED] Police Officer from January 2010 to September 2012. He has four and a half (4 ½) years of service in the United States Marine Corps as an Infantryman as well as Reconnaissance. [REDACTED] is also currently serving in the United States Air Force National Guard (New York) Para-Rescue. Through his duties in the Air Force he is involved in civilian and combat search and rescue and is a National Registered Paramedic. [REDACTED] has a deployment to Afghanistan while serving in the Air Force.

On Saturday November 22, 2014 SA [REDACTED] was with Cleveland Police Detective Daniel Lentz concluding a day of follow up investigation on an unrelated bank robbery investigation. SA [REDACTED] Said,

*"At approximately 3:30pm we heard a broadcast over the CPD Emergency dispatch for a shooting. We initially thought that a subject was shot and he was fleeing, that quickly changed when they qualified it and said the individual was shot and they were requesting fire and EMS respond. We made it there in like three (3) minutes after the shooting happened... as I approached the officers I asked for any first aid equipment, medical gear, anybody that has any of that to bring it over here. They didn't have any of that so I said ok give me a pair of rubber gloves and I walked over to Tamir Rice and began to assess him and do the medical treatment I could".*

## CUYAHOGA COUNTY SHERIFF'S OFFICE

I asked SA [REDACTED] to describe Tamir when he arrived on scene. He said that when he arrived on scene his main concern was Tamir. From a distance he could see that part of his small intestines were eviscerated (coming out of his abdomen). He described it as a particularly disturbing looking injury with no visible blood. His first impression from afar was that he was dead because he was not moving. Tamir was laying on his back motionless, on the concrete with his coat was open and his shirt partially pulled up allowing him to see his abdomen. He said he immediately went up to him and assessed him for massive hemorrhage in which he found none. He performed a MARCH protocol (M=Massive Bleeding, A=Airway, R=Respirations, C=Circulation, H=Head) to identify life threats and addressed his airway that eventually Tamir eventually had difficulties maintain his own airway. When SA [REDACTED] was assessing Tamir he informed him that he was a paramedic and he was there to help him. Tamir responded with a nod of his head and reached for SA [REDACTED] hand.

I asked SA [REDACTED] what his impressions were of the injury and he said;

*"the reality of an injury like that is that he needed bright lights and cold surgical steel, he needs a surgeon to repair that... he needs to go to surgery, that's the end all result, that's the only thing that's going to repair the damage. The only thing we were doing on scene was just to keep him alive long enough to get to the hospital. He needed blood products and he needed surgery".*

I asked SA [REDACTED] if Tamir spoke at all and he said he did. He said;

*"He told me his name was Tamir and that he was shot, he made a reference to his gun like a question where is my gun. I don't remember exactly what it was but that he made reference to a firearm".*

I asked, at any time did any Cleveland Officers render assistance. He said, yes, when Tamir's airway became an issue he needed both hands and asked another officer to help. He didn't know for sure but he thinks it was the training officer who helped. He described him as a while male shorter than 5'10" with brown hair in his forties. He directed the officer to put direct pressure on the wound while he addressed his airway.

I asked while giving first aid to Tamir was there any instances where he became alerted to activity going on around him. He said yes, the female that was screaming in the car (that he later learned was his sister). He overheard her scream that he was only twelve (12) years old. He said he never would have guessed with how big he was that he was only 12. He also said that "at one point his brother appeared on scene threatening officers and storming up to us like he was going to fight and I had to stop and say is someone going to deal with this... I mean I felt threatened".

SA [REDACTED] said he was assisted by Cleveland Fire upon their arrival and again noted that Tamir was having trouble with maintaining his airway and that his pulse was becoming weak. Tamir's airway was addressed and that a pulse was discovered. He continued primary first aid care until Cleveland Paramedics arrived and Tamir was loaded into the EMS vehicle. After Tamir was loaded in a Cleveland Fireman told him he was not cleared to work with the City of Cleveland and you need to get off the ambulance. SA [REDACTED] said, he was relieved by someone of the equal



## CUYAHOGA COUNTY SHERIFF'S OFFICE

medical status as him (paramedic) and he was not going to get into an argument with the Fireman. His main concern was for Tamir and getting him to the hospital. At that point he said he exited the ambulance.

Det. Allen asked if anyone had suggested transporting him in a police car. SA [REDACTED] said no and

*"I wouldn't have done that, I think that would have resulted in a poor outcome. Based on what I was dealing with on the ground, he couldn't maintain his own airway. If you threw him in the back of a vehicle crunched up I absolutely don't think he would be maintaining his own airway when they get to the hospital five to ten (5-10) minutes later he would not have been breathing. I have never favored a load and go approach in a city; I think that leads to poor patient outcomes".*

Once he exited the vehicle he said Tamir's mother arrived shortly after and got into the front passenger seat of the ambulance. He said the mother was very nonchalant but clarified that people react differently even though he thought she may act a little more concerned than she did. He said that after he left the ambulance he then went over to Det. Lentz and then went to Officer Loehmann.

SA [REDACTED] was asked to recount his interaction with Officer Loehmann. SA [REDACTED] said Officer Loehmann was distraught and looked like he was in a significant amount of pain holding his leg up and his ankle but declined any assistance and said he would be ok till EMS arrived. SA [REDACTED] said he seemed pretty distraught over the whole situation "he seemed like a guy that was put in a very difficult situation and had to make a very quick decision based upon what he believed was an imminent fear of death or serious physical injury to himself and reacted to it. Either way I don't believe it was a situation he wanted to be in". Loehmann told SA [REDACTED] in what he thought was a "spontaneous utterance...he had a gun and he reached for it after he told him to show him his hands". SA [REDACTED] told him he was just there to see if he needed any medical attention.

SA [REDACTED] was shown the Cudell Recreation Center surveillance footage from camera 11000100.exe.

For a more detailed account of the interview refer to the transcribed interview.

//////S/////

James Mackey, Detective

# CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-00004

DATE 3-30-2015

FROM Detective John Morgan #241

TO Sgt. Sharpe

SUBJECT Synopsis of the Automated Vehicle Location  
information

COPIES TO Lt. Smith, File

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On this date, while assigned to the Cuyahoga County Sheriff's Detective Bureau, writer was assigned to conduct further investigation into the Cleveland Use of Deadly Force Incident that occurred at the Cudell Recreation Center (CRC) on November 22, 2014.

On March 11, 2015, writer received a compact disk containing the Cleveland Police Automated Vehicle Location (AVL) information for CPD Zone Car 115A, the car involved in the Use of Deadly Force Incident at the CRC. The AVL system does not provide precise Latitude and Longitude coordinates, however it does provide a visual area map and direction of travel of the vehicle. The vehicle in this case is represented by a small police car icon on a map of the City of Cleveland.

Below is a synopsis of the location and direction of travel of Zone Car 115A on November 22, 2014 between 14:29:00 Hours and ending at 00:30:00 Hours on November 23, 2014.

- 14:29 Begin tour of duty.
- 15:10 Vehicle leaves 1<sup>st</sup> District Police Station.
- 15:15 Vehicle stops in the area of W. 145<sup>th</sup> and Lorain Road.
- 15:18 Vehicle begins traveling Eastbound on Lorain.
- 15:24 Vehicle arrives near the intersection of Lorain Road near West Boulevard.
- 15:27 Vehicle travels Westbound on Lorain Road, turns Northbound onto West Boulevard, turns Eastbound onto Madison Avenue, turns Northbound onto West 99<sup>th</sup> Street towards CRC.
- 15:29 Arrive at CRC.
- 18:55 Vehicle leaves CRC.
- 19:08 Vehicle arrives at intersection of Lorain Road and Grovewood Avenue (Fairview Hospital).
- 20:56 Vehicle leaves intersection of Lorain Road and Grovewood Avenue.
- 21:02 Vehicle arrives at 1<sup>st</sup> District Police Station.
- 23:30 End tour of duty.
- 00:30 End of shift.

This Matter to be further investigated.

Detective John Morgan #241

CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-00004

DATE 03/30/2015

FROM Detective David Jacobs

TO Sergeant Eugene Sharpe

SUBJECT Phone conversation w/ [REDACTED]

COPIES TO File

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The following investigation is in conjunction with the Cleveland Police Use of Force Deadly Force, Cudell Recreation Center, 1910 West Boulevard, Cleveland, Ohio on November 22<sup>nd</sup>, 2014. The writer received a call back from [REDACTED] Cleveland, Ohio.

[REDACTED] reported that she was outside her house when the aforementioned incident took place. [REDACTED] indicated she was interviewed by Cleveland Police concerning the incident. [REDACTED] requested we interview her at her residence on March 30<sup>th</sup>, 2015 at 5:30pm. [REDACTED] has four children and works full time and asked if we could accommodate her by doing the interview at her residence. Detective John Morgan and Detective David Jacobs will conduct the interview using a voice recorder at the aforementioned location, date and time.

Respectfully Submitted,

Detective David Jacobs

CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-00004

DATE 03/30/2015

FROM Detective David Jacobs

TO Sergeant Eugene Sharpe

SUBJECT Second attempt to interview [REDACTED] [REDACTED]

COPIES TO File

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The following investigation is in conjunction with the Cleveland Police Department, use of deadly force incident which took place November 22, 2014, Cudell Recreation Center (CRC), 1910 West Boulevard, Cleveland, Ohio. [REDACTED] (juvenile) legal guardian was contacted to reschedule an interview for March 27<sup>th</sup>, 2015 at 3:00pm. [REDACTED] legal guardian previously agreed and subsequently canceled the day of the interview. We agreed to reschedule but did not determine the location and time.

Respectfully Submitted,

---

Detective David Jacobs

44-38861-1

DATE 03/30/2015

**SUBJECT** Attempt to interview

The following investigation is in conjunction with the Cleveland Police Department, use of deadly force incident which took place November 22, 2014, Cudell Recreation Center (CRC), 1910 West Boulevard, Cleveland, Ohio. [REDACTED] (juvenile) legal guardian was contacted and we scheduled an interview for March 20<sup>th</sup>, 2015 at 2:00pm. [REDACTED] legal guardian previously agreed and subsequently canceled the day of the interview. We agreed to reschedule for March 27<sup>th</sup>, 2015 at 3:00pm.

**Detective David Jacobs**

CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-00004

DATE March 31, 2015

FROM Detective John Morgan #241

TO Sergeant Sharpe

SUBJECT Interview of [REDACTED] [REDACTED]

COPIES TO Lt. Smith, File

On March 30, 2015 while assigned to the Cuyahoga County Sheriff's Detective Bureau and in company with Detective David Jacobs, we were assigned by Sergeant Eugene Sharpe to conduct a follow up investigation into a Cleveland Police Use of Deadly Force incident which occurred on November 22, 2014. The following is result of that investigation.

On this date we had the occasion to interview [REDACTED] [REDACTED] at her home located at [REDACTED], Ohio. [REDACTED] had been previously identified in the Cleveland Police Use of Deadly Force Investigation, however, all material learned during the interview had been redacted. The following is a synopsis of the interview which was audio recorded.

[REDACTED] B/F/31, DOB [REDACTED] SSN: [REDACTED] ADDRESS: [REDACTED] ST,  
MOBILE TX: [REDACTED]

[REDACTED] stated that she has been residing at this address for approximately 10 years. She stated that on the day of the shooting her son was at the Cudell Recreation Center playing basketball. [REDACTED] stated that she has a habit of looking out of the kitchen window whenever she is in or around the kitchen area. On this day she recalled looking out of the kitchen window and seeing a "Little boy" outside playing with another "Little Boy" at Cudell Recreation Center.

[REDACTED] stated that the one "Little boy" playing outside she identified as Tamir Rice and she did not know the identity of the other male playing with Tamir. She stated that she did not personally know Tamir RICE but her son Calvin went to elementary school with him.

[REDACTED] stated that about 30 minutes later her friend had arrived to pick her up to take her to the store. She stated that when she walked outside and was about to enter the passenger side door of the vehicle, she heard three gunshots and some yelling. Specifically [REDACTED] described hearing two gunshots "Bang Bang" then hearing someone yell, "Freeze..Show me your hands!" then she heard a third and final "Bang."

[REDACTED] stated that when she heard the first gunshots she became frozen in place. Stated that she then entered her friend's car and attempted to call the recreation center to advise the counselors not to let the kids outside because something had just happened. She stated that by the time she had called she saw kids running outside.

[REDACTED] stated that when the kids came running out of the recreation center she witnessed a girl running towards the area where the police car was located. As the girl approached the area a police officer "clothes lined" her to the ground. She could hear this girl screaming, "That's my brother!" [REDACTED] stated that she could see this girl fighting with one Caucasian police officer who then handcuffed her and placed her in the back of the car.

[REDACTED] stated that she believed that the officer that fired the gun was the officer that "clothes lined" the girl. When asked if she had saw any other officers there at the time of the shooting; [REDACTED] explained that she saw a second police officer there, he came from behind the car, but appeared to be hurt because he was breathing heavy and was leaning on the car.

# CUYAHOGA COUNTY SHERIFF'S OFFICE

██████████ stated that she did eventually get inside of her friends car because she became cold. She stated that before they left the area a fire truck was at the scene and because she had rolled down the window, she could hear what she described as ambulance sirens getting closer to the area.

At the conclusion of the interview ██████████ demonstrated to investigators where she was located when she heard the gunshots.

Note: ██████████ ██████████ residence is located on the other side of a chain linked fence >8 feet in height which stands between her residence and the Cudell Recreation Center. She resides in a unit of side by side single level homes located on west side of West 98<sup>th</sup> Street. Further the audio recording device failed to capture the entire interview. For a more detailed account of the interview refer to the audio recorded interview.

This matter to be further investigated.

Detective John Morgan #241

CUYAHOGA COUNTY SHERIFF'S OFFICE

015-00

FILE NO. 15-00004

DATE 04/02/2015

FROM Detective David Jacobs

TO Sergeant Eugene Sharpe

SUBJECT Weather conditions for November 22<sup>nd</sup>, 2014

COPIES TO File

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The following investigation is in conjunction with the Cleveland Police Department Use of Deadly Force incident which occurred at the Cudell Recreation Center (CRC), November 22<sup>nd</sup>, 2014 at approximately 3:30pm. The information listed below were the weather conditions for the aforementioned date:

**November 22<sup>nd</sup>, 2014**

High temperature: 49 degrees Fahrenheit

Low temperature: 16 degrees Fahrenheit

Mean temperature: 29.9 degrees Fahrenheit

Precipitation: 0.16 inches

Visibility: 9.2 miles

Snow Depth: 1.2 inches

Mean Wind Speed: 11.39 miles per hour

Maximum Sustained Wind Speed: 14.0 miles per hour

Maximum Wind Gust Speed: 24.17 miles per hour

The weather conditions referenced above were obtained from weather underground (wunderground.com), and cross referenced from two other separate historical weather websites.

Respectfully Submitted,

Detective David Jacobs



CUYAHOGA COUNTY SHERIFF'S OFFICE

01833

FILE NO. 15-00004

DATE April 3, 2015

FROM Detective John Morgan #241

TO Sergeant Sharpe

SUBJECT Synopsis of video recorded interview of  
[REDACTED] [REDACTED]

COPIES TO Lt. Smith, File

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On March 20, 2015 while assigned to the Cuyahoga County Sheriff's Detective Bureau and in company with Detective David Jacobs, were given an assignment by Sergeant Eugene Sharpe to conduct a follow up investigation into a Cleveland Police Use of Deadly Force incident which occurred on November 22, 2014. The following is result of that investigation.

On this date investigators had the occasion to interview [REDACTED] [REDACTED] at the Cleveland offices of The Alcohol Tobacco and Firearms located at 5055 Rockside Road Suite 700, Independence, Ohio. The following is a synopsis of the video recorded interview.

[REDACTED], DOB [REDACTED], SSN: [REDACTED] ADDRESS: [REDACTED] ROAD,  
[REDACTED] MOBILE TX: [REDACTED]

[REDACTED] stated that she has been employed as a teacher with the Cleveland Metropolitan School District since 1992. She stated that she is currently an Art teacher at Marion-Seltzer Elementary School and was the Art Teacher for Tamir RICE.

[REDACTED] explained that Marion Seltzer is a kindergarten through 8<sup>th</sup> Grade school and that RICE was a sixth grader in the Special Education Program. [REDACTED] explained that this program was for the emotionally disturbed children and that the class size was not larger than 10 children but RICE'S class only had 6 children.

[REDACTED] stated that she began teaching RICE at the beginning of the 2014 school year and stated that he loved Art and that she never had a problem with him at school. She stated that about a week prior to the incident at Cudell Recreation Center RICE had been involved in an altercation at school with a boy identified as Ashanti JONES but didn't know much about the incident.

[REDACTED] further explained to investigators that RICE'S regular special education teacher was Ms. Carletta GOODWIN and that she was considered RICE'S General Education Teacher. [REDACTED] stated that she knew that RICE'S sister attended Max Hayes and that she has met his mother on only one occasion in the past. She stated that in that meeting with his mother, she seemed very concerned about his education and how he was progressing in school.

[REDACTED] stated that after the incident at Cudell, Ms. RICE contacted Ms. GOODWIN via telephone and informed her of the news that her son had passed away. [REDACTED] suggested that investigators interview Ms. GOODWIN to learn more about RICE because she is the teacher that spent the most time with him.

CUYAHOGA COUNTY SHERIFF'S OFFICE

013-00

[REDACTED] expressed concern for the kids at her school [REDACTED]

[REDACTED] stated that she would have never thought that RICE would be up at the recreation center with a gun, real or fake because that wasn't in his nature.

This Matter to be further investigated.

Detective John Morgan #241

CUYAHOGA COUNTY SHERIFF'S OFFICE

03-33

FILE NO. 15-00004

DATE 04/06/2015

FROM Det. Homer Allen

TO Sgt. Sharpe

SUBJECT Tamir Rice Medical Summary

COPIES TO File

On February 23, 2015 while assigned to the Cuyahoga County Sheriff's UDF Unit, I was given an assignment by Sergeant Eugene Sharpe to conduct a follow up investigation into a Cleveland Police Use of Deadly Force incident which occurred on November 22, 2014. The following is a summary of medical records received from Metro Health Hospital.

On February 23, 2015, Samaria Rice signed an (Authorization to Release Protected Health Information to Another Form) affording the Cuyahoga County Sheriff's Office the right to obtain all medical records for Tamir Rice (12 Years Old) DOB: [REDACTED] SOC: [REDACTED] On same date, I provided a copy of this form to Colleen Higgins with Metro Health Hospital Records Division to obtain these records. On February 26<sup>th</sup> the records were picked up by me for review.

**SUMMARY OF MEDICAL RECORDS**

1. [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
2. Notes per [REDACTED] LISW-S at 11/22/2014, 6:53pm. Tamir arrived via EMS with GSW to abdomen, and transported to OR on arrival. CPD Officers Judd (1545) and Taylor (2067) arrived with Tamir. CPD reports that Tamir pulled a gun on CPD and police shot him.
  - Mother [REDACTED] Rice [REDACTED] highly escalated and yelling that she wants the news to be called and wants to speak with Chief of Police.
  - Waiting in OR was moms cousin [REDACTED], friend [REDACTED] and Tamir's maternal grandparents.
  - At approximately midnight Tamir began bleeding profusely, Dr. Patel attempted to stabilize but Tamir expired in the OR.
  - Linda Lee is evening Social Worker [REDACTED]

**EMERGENCY DEPARTMENT SUMMARY**

1. Per Jessica Whitmer RN on 11/22/2014 at 3:59pm 12 yr. old Tamir was admitted for GSW to abdomen-umbilical area evisceration and visible bowel. Had pulse on scene but lost pulse as soon as arrived to trauma bay.
  - Laparotomy, Exploratory by Dr. Nimitt Patel and John Como
  - 11/23/2014 at 12:54am Disposition Morgue.
  - Emergency Department Smart Form Attending note, I saw and evaluated the patient, I personally obtained the key and critical portions of the history and physical exam. I reviewed the resident's documentation and discussed the patient resident. I agree with the resident's medical decision making as documented in the residents note. (Lance D. Wilson MD.)
  - Exam notes show unresponsive, being bagged, no pulse, and Brady cardiac on monitor, no spontaneous breath sounds and gunshot wound with evisceration of abdominal fat.
  - Additional Notes, emergency intubation attempted but tube selection was for an adult male based on pre-hospital information provided and the tube would not pass vocal chords. Rather than delay for second attempt, decision made to transport to OR. (Devin Harper MD. (216) [REDACTED])

**DISCHARGE SUMMARY NOTES**

Author: Khadra Helmi MD. (Rotating Resident)

Filed: 01/11/2015 at 7:50pm

Co-Signer: Patel, Nimitt MD on 01/12/2015 at 8:18am

Admission: 11/22/2014

Discharge: 11/23/2014

**SIGNIFICANT FINDINGS**

- Small bowel colonic and extensive inferior vena cava and common iliac vein injuries cause uncontrolled bleeding from presacral plexus and pelvis.

**HOSPITAL COURSE**

1. Tamir came in at 3:55pm taken to OR within 5 Minutes of arrival. In OR 80-90% loss of inferior vena cava, Dr. Alexander called for Vascular Surgery. Sites of obvious bleeding had been controlled. Only additional bleeding was from right deep pelvic area. Specific source could not be identified. Multiple extensive attempts were made to control bleeding which was unsuccessful.
2. After all measures had been exhausted to control pelvic bleeding, Tamir lost his pulses for a second time and decision was made to not do additional ACLS sue to incontrollable hemorrhage. And was declared dead at 12:54am on 11/23/2014
3. Additional medical history and medication needs during stay are included, if needed for further review.

Respectfully submitted,

Homer Allen#225

CUYAHOGA COUNTY SHERIFF'S OFFICE

013-03

FILE NO. 15-00004

DATE 04/01/2015

FROM Detective David Jacobs

TO Sergeant Eugene Sharpe

SUBJECT Phone call with [REDACTED] father, [REDACTED]

COPIES TO File

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The following investigation in conjunction with the Cleveland Police Department (CPD), Use of Deadly Force incident which took place at the Cudell Recreation Center (CRC), 1910 West Boulevard, Cleveland, Ohio on November 22<sup>nd</sup>, 2014 at approximately 3:30pm.

The writer contacted [REDACTED] the father of [REDACTED] (juvenile) via his cell phone, (216) [REDACTED] [REDACTED] Cleveland, Ohio on March 31<sup>st</sup>, 2015. The purpose of the phone call was to set up an appointment for an interview of [REDACTED] [REDACTED] agreed to have [REDACTED] proceed with an interview. We agreed to meet at their residence (listed above) on April 2, 2015 at 5:30pm. Tentatively, Detective John Morgan and Detective David Jacobs will conduct the interview.

Respectfully Submitted,

Detective David Jacobs

CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-00004

DATE 04/01/2015

FROM Detective David Jacobs

TO Sergeant Eugene Sharpe

SUBJECT Interview of Jessica Ortiz

COPIES TO File

Jessica ORTIZ, [REDACTED], Ohio, date of birth [REDACTED], cell phone number [REDACTED] was advised of the identities of the interviewing Officers and the purpose of the interview. Interviewers present were Detectives John Morgan and David Jacobs. The interview took place at 5055 Rockside Road, Independence, Ohio on March 13<sup>th</sup>, 2015 at approximately 9:15am. ORTIZ thereafter provided the following information regarding the Cleveland Police Department, Use of Deadly Force incident which took place at Cudell Recreation Center (CRC), November 22<sup>nd</sup>, 2014 at approximately 3:30pm.

ORTIZ, City of Cleveland part-time employee, "Recreation Instructor One" (1), length of employment in current position is two (2) years and one (1) month. ORTIZ generally works five (5) days a week and shifts are typically four (4) to six (6) hours in length. ORTIZ was working the front desk registration on November 22<sup>nd</sup>, 2014; her shift was 9:30am to 6:00pm. ORTIZ typically works these hours on Saturdays. ORTIZ described in detail the process for signing into the recreation. ORTIZ indicated she was working with Milton Smith on this day. ORTIZ also indicated the City of Cleveland has uniformed "off-duty" Police Officers assigned to CRC everyday with varying shifts. The Officer working this day was "Will", last name Cunningham. On Saturdays the Officers' shift is 2pm to 6pm.

ORTIZ took her lunch at approximately 3pm; ORTIZ always leaves the recreation center on her lunch break. ORTIZ usually goes home for lunch and returns an hour later. ORTIZ is seen on camera leaving CRC on November 22<sup>nd</sup>, 2014 at approximately 3:00pm. ORTIZ exited the center via the back doors (west) and drives away in her light blue Honda Accord.

ORTIZ received a phone call from her manager, Ronald Fields at approximately 3:40pm stating one of your volleyball players' brother just got shot at the recreation center. Fields told ORTIZ to return to work immediately. ORTIZ is seen on camera returning to recreation center at approximately 3:50pm, parking near the west entrance, south side, facing north. ORTIZ walked to front entrance (east doors.) ORTIZ described the scene at Cudell as follows:

Exits blocked off  
A lot of Police cars near the Gazebo  
Ambulance in the parking lot  
People gathering near the entrance (east)

As ORTIZ walked toward the east entrance she was unable to hear anything the police officers were saying. ORTIZ was met by co-workers, Joe Munoz and Milton Smith. ORTIZ was told by Munoz that the cops shot Tamir. ORTIZ was very familiar with Tamir and his sister [REDACTED] ORTIZ had coached [REDACTED] in volleyball, and Tamir her brother, frequented the recreation center four (4) to five (5) days a week. Smith or Munoz told ORTIZ about [REDACTED] getting tackled by the police and put in the back seat. They also told her she was very upset and screaming that the police had shot her brother. ORTIZ stayed inside the recreation center upon her return. ORTIZ did not remember being interviewed by any police officers that day or any other day. ORTIZ stayed at the CRC until approximately 5:50pm on November 22<sup>nd</sup>, 2014.

## CUYAHOGA COUNTY SHERIFF'S OFFICE

018-00

As stated earlier, ORTIZ was familiar with Tamir and [REDACTED] ORTIZ did not interact with Tamir too much. ORTIZ would typically tell Tamir "*what not to do*" indicating he was never a problem. Tamir liked to talk to girls and played very little sports while at the recreation center. ORTIZ would see Tamir mainly in the game room or in the hallways. Tamir was there almost every evening from 4pm to 7pm four (4) days a week, and was never a real problem. ORTIZ remembers that on November 22<sup>nd</sup>, 2014 Tamir came to the CRC with his sister, [REDACTED] and his friend [REDACTED] [REDACTED] ORTIZ could not remember the exact time. ORTIZ was shown video surveillance that depicts Tamir, [REDACTED] and [REDACTED] arriving at the CRC at 11:05am on November 22<sup>nd</sup>, 2014.

ORTIZ was shown additional surveillance video from that day and ORTIZ was able to view herself among others and provide information regarding person(s) depicted. ORTIZ specifically provided information for following person(s) with regards to their respective clothing:

"Yellow jacket"- [REDACTED] (has a twin, [REDACTED] n)  
"Fur coat"-Hispanic male (unsure of name)  
"Plaid jacket"-Maybe "[REDACTED]" last name unknown (LNU)  
"White male wearing black clothing"- [REDACTED]  
"Gray"- [REDACTED]

ORTIZ was shown video surveillance from a CRC camera labeled "cam ten" the time indicated 15:30hrs, the video depicts people standing outside the west entrance. ORTIZ identifies "[REDACTED]" "[REDACTED]", "[REDACTED]" and "[REDACTED]" as the persons standing outside the west entrance at this time. ORTIZ also identified [REDACTED] as the person depicted in CRC video surveillance from a CRC camera labeled "cam 4", a view of the front desk, 15:31 hrs. The video surveillance depicts a child (possibly Oates) talking to "Will" the police officer, while he was seated at the front desk. [REDACTED] is seen looking out the east doors prior to having a conversation with "Will". It appears [REDACTED] tells "Will" what he just saw as he looked out the east doors. "Will" reacts by getting up and exiting CRC via the east doors.

Respectfully Submitted,

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Detective David Jacobs

CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-00004

DATE April 3, 2015

FROM Detective John Morgan #241

TO Sergeant Sharpe

SUBJECT Synopsis of interview with  
[REDACTED] [REDACTED]

COPIES TO Lt. Smith, File

On April 2, 2015 while assigned to the Cuyahoga County Sheriff's Detective Bureau and in company with Detective David Jacobs, we were assigned by Sergeant Eugene Sharpe to conduct a follow up investigation into a Cleveland Police Use of Deadly Force incident which occurred on November 22, 2014 at the Cudell Recreation Center (CRC). The following is result of that investigation.

On this date investigators met with and conducted an interview with [REDACTED] [REDACTED] in the presence of his father [REDACTED] [REDACTED] at his residence located on the East side of Cleveland. The following is a synopsis of the audio recorded interview.

[REDACTED] [REDACTED] W/M/15 DOB [REDACTED] ADDRESS: [REDACTED], CLEVELAND OHIO.  
MOBILE TX: [REDACTED]

[REDACTED] stated that has lived at his current address for about one month and that in November of 2014 he was living at the address of [REDACTED] in Cleveland Ohio.

[REDACTED] explained that he didn't remember how long he had known RICE but stated that he met him and only known him from hanging out at the CRC. He stated that he occasionally would play basketball with RICE and commented that he wasn't that good of a basketball player. [REDACTED] stated that he has never visited RICE at his home and that he had never met this mother.

[REDACTED] further explained that RICE would hang around with a male he knew only as [REDACTED] and another male he knew only as [REDACTED] [REDACTED] stated that RICE explained to him that [REDACTED] was his "Play brother" but was really his cousin and that [REDACTED] was his real cousin.

[REDACTED] recalled that he was told by [REDACTED] after the incident that RICE had received the BB gun from [REDACTED]. He stated that [REDACTED] was with RICE every day at the recreation center.

[REDACTED] stated that he and [REDACTED] [REDACTED] were always together. He stated that the guys at the CRC liked to pick on RICE and bully him. He stated that kids would talk about RICE'S clothes and how he was dressed. [REDACTED] reveled that sometimes RICE would wear the same clothes that he had worn the day before or he would have a stain in his clothes on one day and he would wear the same clothes again with the same stain on another day. [REDACTED] relayed that boys at CRC picked on RICE almost every day.

[REDACTED] recalled an incident where he and RICE were playing basketball and a guy named [REDACTED] had kicked a soccer ball at RICE and it struck him in the face. [REDACTED] said that it was an accident but everyone who saw it knew that it wasn't an accident.



## CUYAHOGA COUNTY SHERIFF'S OFFICE

██████████ stated that on the day RICE was at CRC with the BB gun, he and ██████████ were walking from West 99<sup>th</sup> Street, walked down W.100<sup>th</sup> Street and ran into RICE and another "little boy." They were playing near the trailers located behind the Marion-Seltzer school waiting for the gym to open. He stated that RICE had showed them the BB gun and that RICE let him hold the gun.

██████████ described the gun to be Black in color with some markings on it. ██████████ stated that he fired the gun at the trailer and that he took one shot at ██████████ before RICE took the gun back from him. He stated that the gun fired clear but slightly green BB's. Detective Jacobs pulled up a picture of the gun (Picture #64 from the CPD Crime scene photos) and ██████████ stated, *'That's the gun!'*

██████████ stated that he didn't want to be around RICE after that because he had the BB gun. ██████████ explained that 3 to 4 months earlier he was involved in a similar incident with a BB gun. He stated that he had a BB gun and had pulled it out while inside of a Save-A-Lot store. He stated that someone must have called the police because he was eventually approached by a policeman inside of the store and was told to put his hands up. He was asked if he had a gun, and while his hands were in the air he told the officer, "yes." The officer then took the gun from him. He stated that he learned a lesson from that incident because he got into trouble.

██████████ stated that when RICE took the gun back he and ██████████ decided to walk over to the CRC and RICE told him that he would be inside in a few minutes. ██████████ stated that he and ██████████ were walking around the CRC and ended up in the back by the arts building. This is where they were when they heard gunshots.

██████████ stated that ██████████ told him that he thought he heard two gunshots but ██████████ believed that he had heard three gunshots. ██████████ stated that he heard, "Pop/Pop....Pop." He stated that he heard two gunshots close together and one gunshot after the first two.

Shortly after hearing the gunshots ██████████ and ██████████ heard a female screaming, so they ran around the building towards the park and then heard RICE'S sister yelling, *"You killed my brother."* ██████████ stated that he heard and observed two white officers telling her to calm down and they were on top of RICE'S sister.

██████████ stated that he and ██████████ walked all the way around the pavilion and they were able to observe RICE lying on his back with his knees bent toward the entrance to CRC (North) and it appeared that he was dead. He stated that after walking around he and ██████████ returned to where everyone who had been inside of building was now standing.

██████████ observed ██████████ video recording everything on his cell phone and another large older black male, who had been playing basketball in the gym, also videotaping what was happening on his cell phone. He stated that this older male was also talking during the video saying, "They done killed another one of us."

██████████ was asked if he could remember where RICE had kept the gun; he stated that RICE kept the gun in inside his waistband on his left side with the barrel pointed downward and he had to lift up his jacket to pull it out when he was with him.

██████████ stated that RICE told him that day that his mother bought the gun for him and that he had seven more BB guns at home. ██████████ stated that he never believed RICE when he said that statement. ██████████ believed that RICE was saying those things because he wanted to be cool. Further, ██████████ believed that RICE had the gun that day because wanted to appear "Cool" and this is why he was showing off the BB gun. ██████████ stated that as long as he had known RICE he had never seen him with a gun before that day.

At this time Detective JACOBS began showing [REDACTED] sections of the surveillance video from the CRC on November 22, 2014. The video was being shown to [REDACTED] to see if he could help identify others who were present at the center that afternoon and to confirm his whereabouts on the video.

During the playback of the video [REDACTED] stated that he didn't know the two males that walked up to everyone by the rear door of the gymnasium however [REDACTED] believes that two of the unidentified males are members of the BBE-900 gang. When questioned if RICE had any involvement in that gang; [REDACTED] stated that RICE has told him in the past that he "Rolled with" BBE-900, but again [REDACTED] stated that he thought RICE was also lying about that because he just wasn't the type of person to be involved in a gang. [REDACTED] stated that a lot of people at CRC claim to be in BBE-99 but they really are not in the gang.

[REDACTED] stated that he recalled when RICE'S mother arrived at the center. HE stated that she was on the telephone and he heard her tell someone on the phone, "I'm here...I'm here" and hung up the telephone. Further he stated that when the ambulance was pulling out of the parking lot, RICE'S mother was in the front seat of the ambulance and she had the window down, she was pointing at the cops saying, "Them cops are going to pay."

[REDACTED] stated that he and [REDACTED] stayed outside of the CRC until the ambulance pulled out with RICE. [REDACTED] and [REDACTED] hung around for a short time then went home.

This matter to further investigated.

Detective John Morgan #241

CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-00004

DATE April 7, 2015

FROM Detective John Morgan #241

TO Sergeant Sharpe

SUBJECT Synopsis of Meeting with  
[REDACTED] [REDACTED]

COPIES TO Lt. Smith, File

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On April 6, 2015 while assigned to the Cuyahoga County Sheriff's Detective Bureau writer was assigned by Sergeant Eugene Sharpe to conduct a follow up investigation into a Cleveland Police Use of Deadly Force incident which occurred on November 22, 2014. The following is result of that investigation.

On this date writer had the occasion to speak with [REDACTED] [REDACTED] at her residence located at [REDACTED], Lakewood, Ohio. [REDACTED] posted information on a blog which was included in the original Cleveland Police Use of Deadly Force Investigation. (See Attached) [REDACTED] wrote in this blog that she had interviewed two females in connection with the incident at Cudell Recreation Center and that they were friends with Tamir RICE.

Further, [REDACTED] wrote in the blog that RICE and his friends were at the Regional Transit Authority (RTA) station across the street and that a white man must have seen the gun and called the police. The kids then ran back to the park and they were sitting together when the police arrived. She stated, "The police pulled their guns on the kids, RICE'S friends backed away and told the officers that it was a BB gun w/ no bullets and went to lift up his shirt to show it to them, they shot him twice in the stomach. In front of not only his friends, but also other children and I believe his sister as well."

After being advised of the identity of the interviewing detective, [REDACTED] stated that at this time she did not want to provide writer an interview, she stated that she didn't want to get involved in this investigation in any way than she already has.

Writer explained that The Cuyahoga County Sheriff's Department was attempting to conduct a complete and impartial investigation into this incident and is interested in learning every detail into this case. [REDACTED] stated that she is currently a graduate student and that she referenced being involved in some way with Cleveland's City Counsel. At this time she refused to speak with investigators about this case.

Writer provided [REDACTED] with a business card and informed her that if she changed her mind about speaking with investigators to please contact us.

This matter to be further investigated.

Detective John Morgan #241

# CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-00004

DATE 04/08/2015

FROM Det. Homer Allen

TO Sgt. Sharpe

SUBJECT Sgt. Rutherford Summary

COPIES TO Lt. Smith, File

On March 20th, 2015 while assigned to the Cuyahoga County Sheriff's Detective Bureau Det. James Mackey and I was given an assignment by Sergeant Eugene Sharpe to conduct an interview with Sgt. Jonell Rutherford in reference to a Cleveland Police Use of Deadly Force incident which occurred on November 22, 2014. The following is result of that interview.

## Interview Attendees

Sgt. Janell Rutherford  
Attorney Bob Phillips FOP Lodge 8  
Sgt. Zurlinga Vice President of FOP Lodge 8  
Capt. Brian Bentley President of FOP Lodge 8

## Interview Location

5055 Rockside Road  
Independence, Ohio  
Suite 700

Sgt. Rutherford has been employed by the Cleveland Division of Police for 17 years. The past 11 years as a Sergeant, she is presently assigned to supervise the 1<sup>st</sup> District Basic Patrol Division; her shift usually will start at 1:30pm or 3:30pm until she leaves (10hr. Shifts).

On November 22, 2014, Sgt. Rutherford states that she was the only supervisor for the whole district when she responded to her first UDF call, at Cudell Recreation Center. She arrived around the same times as EMS. Rutherford states, she is responsible for the following:

- Make sure officers are doing their jobs
- Make sure that the crime scene is secure
- Contact Dispatch and the District
- Make contact with Homicide

Sgt. Rutherford recalls people stating "F the Police" and several people attempting to cross the crime scene tape, and at some point the brother states he is going to spit on Det. Lentz and is eventually detained. When she first observed Tamir on scene she thought that he was 16-18 years of age as EMS passed her while placing him in the squad. Tamir's mother was brought to EMS and started to become very combative. Rutherford states that the mother never said anything about him or her daughter, but remarked "*I'm gonna have all your jobs, and if you think they got 3 million, Just Wait!*"

Rutherford states that it looked like the mother was swinging her arms in the EMS Squad, and went to check with EMS staff, to make sure they were ok, she advised them to go. Rutherford thinks that, the mother's actions could have caused a delay of care for Tamir, due to all the yelling.

Rutherford states that she has only supervised Officer Loehman for 1 month or a little longer. And that after she completed all of her duties, she went and checked on the sister and brother. She does not recall the sister or brother being charged with anything. Once Homicide arrived on scene, they are responsible for all pending cases and charges.

## CUYAHOGA COUNTY SHERIFF'S OFFICE

Rutherford recalls she was off shift and searching on the internet on her I-Phone when a friend named [REDACTED] sent her a picture, the following summarizes photo origins:

- [REDACTED] son located picture on Tamir's Mothers Facebook page
- Tamir is pictured in Blue Shirt while holding 2 guns
- [REDACTED] son went to school with Tamir's older brother, and recognized picture as Tamir
- Rutherford called Detective Ray Diaz and provided a copy of photo, but she doesn't recall when
- Rutherford attempted to search for Tamir web site on another occasion with negative results

Sgt. Rutherford states she has never seen individuals, reacting like on this scene. None of the Cleveland Police vehicles are equipped with any first aid kits, or is there any type of medical training provided, besides, maybe the CPR training received back in the police academy.

Please refer to DVD copy of this interview to obtain any additional needed information.

Respectfully submitted,

Homer Allen #225

CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-04 (Tamir Rice)

DATE 4/9/15

FROM James Mackey, Detective

TO Sgt. Sharpe

SUBJECT

COPIES TO File

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

CUYAHOGA COUNTY SHERIFF'S OFFICE

C/S-35

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

//////S/////

James Mackey, Detective

## CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-00004

DATE 4/10/15

FROM James Mackey, Detective

TO Sgt. Sharpe

SUBJECT Interview of Cleveland Police Disptacher Beth Mandl

COPIES TO File

Summary

On Wednesday, April 8, 2015 at 4:14 pm, at the Cuyahoga County Sheriff's Department Detective Bureau in Cleveland Ohio, Detective Allen and I (Detective Mackey) interviewed Cleveland Police Dispatcher Beth Mandl. Mandl was accompanied by CPPA Counsel Keith Woulgumuth and was also joined later in the interview by CPPA President Steve Loomis and CPPA Counsel Henry Hilo. The interview was in regards to a call she dispatched to 1910 West Boulevard (Cudell Recreation Center), Cleveland OH 44102 on Saturday November 22, 2014 for a male with a gun.

Details

Beth Mandl is a dispatcher with the City of Cleveland Police Department and has been employed in that capacity since December 2010. Prior to that, she was employed as a Dispatcher with Case Western Reserve University Security/Police Department for two to three years (2-3).

I asked Dispatcher Mandl to explain the workings of the dispatch center from the layout, to how 911 calls are taken and dispatched. Mandl explained the room layout, and drew a rough sketch of the dispatch center. She said the dispatch center was one large room that houses police dispatching as well as CFD and EMS. The room is broken in two with CFD and EMS dispatching on the West end of the room and the Police dispatching on the East end of the room. She further broke down the East end of the room with an elevated supervisor's station to the North. Call takers located along the South West wall. The District Dispatchers located to the East of the supervisor station.

She explained that the call taker receives all 911 calls within the City of Cleveland. A 911 call would be answered by one of the Police Call Takers and they ascertain if it is a Police, Fire, or EMS emergency. If it is a Fire or EMS emergency the call is transferred to Fire/EMS dispatch (located on the West end of the room). If it is a Police emergency the Call Taker would gather the necessary information and enter it into the Computer Aided Dispatch (CAD) system. Once the information is typed into the CAD system, it is transferred electronically to the dispatcher responsible for the geographic area the emergency is located. Unlike the Call Takers who receives 911 calls from anywhere in the City of Cleveland. The Dispatchers are responsible for dispatching calls for service to officers within the District they are assigned to. The Cleveland Police Department has divided the City into five (5) Districts. Please refer the attached maps obtained through the City of Cleveland website for the geographical boundaries of each District.



## CUYAHOGA COUNTY SHERIFF'S OFFICE

Each district has its own radio channel and is staffed by at least one (1) dispatcher. Typically there are nine (9) dispatchers on duty, five (5) for the district channels, one (1) for warrant channel, one (1) for the tow channel and two (2) relief dispatchers. She said that each dispatcher is monitoring at least six (6) computer screens and has to be proficient at multitasking. She explained that once the call taker transfers the gathered information electronically it appears in a queue of "pending calls" and it is assigned a priority (level of importance) from the call taker. The only information seen by the dispatcher is what is typed in by the call taker other than that they have no further information and typically a dispatcher has no direct contact with the caller. She did note that if additional information was needed or requested by the officer, she would call the person back and speak with them directly.

I asked if the call taker ever walks over, calls the dispatcher or yells across the room to clear up any vague information and she said no, the information is sent electronically from the call taker to the dispatcher.

On Saturday November 22, 2015 Dispatcher Mandl was assigned to dispatch for the First District and recalls dispatching cars to Cudell Recreation Center for a report of a man with a gun. The dispatch audio (Dist1, 11-22-14.mp3) was played for her. At the beginning when the call appeared in her queue of calls to be assigned she had no cars "free" that she could assign the call to. She radioed for a "Road Boss" and informed the female who responded that she did not have any cars available for a "Code 1" at Cudell for guy sitting on the swings pointing a gun at people.

Mandl dispatched the call to two cars (A26 and A25) that were able to clear from their current assignment.

*"It's at Cudell Rec Center, 1910 West Boulevard, 1910 West Boulevard. [REDACTED] is calling he said in the park by the youth center, there is a black male sitting on the swing. He is wearing a camouflage hat, a grey jacket with black sleeves. He keeps pulling a gun out of his pants and pointing it a people. It's a code one... 1528" (3:28pm).*

At time stamp 4:14 a male voice can be heard *"Radio um shots fired. Male down, um black male maybe 20, um black revolver (inaudible)... send EMS this way and a road boss."* Mandl asked if they were at Cudell and at time stamp 4:46 the male voice *"yes ma'am at Cudell, he has a gunshot wound to the abdomen."* Mandl said at this time she phoned across the dispatch center to EMS. Time stamp 5:10 *"we are fine my rookie hurt his ankle."* Time stamp 5:41 screaming could be heard in the background and the male voice asking *"radio can you speed EMS up".* She said she called EMS and asked them to "step it up". Time stamp 6:21 another request was transmitted *"radio step it up".* Other radio traffic can be heard requesting that EMS step it up. Mandl informed that EMS had been advised. Mandl said, initially she didn't know it was a police shooting. Once she realized an officer discharged his weapon she made notification to her supervisor so they can start their protocol.

Prior to the conclusion of the interview Attorney Henry Hilow read, for the record, an email from APA Meyer.

The interview was video recorded and placed into the case file. Please refer to the video recording for further details.

//////S////////

James Mackey, Detective

# CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-00004

DATE 04/10/2015

FROM Det. Homer Allen

TO Sgt. Eugene Sharpe

SUBJECT EMT Bittel Summary

COPIES TO Lt. Smith, File

On March 18th, 2015 at 11:00am while assigned to the Cuyahoga County Sheriff's Detective Bureau Sergeant Eugene Sharpe and I conducted an interview with EMT Ryan Bittel in reference to a Cleveland Police Use of Deadly Force incident which occurred on November 22, 2014. The following is result of that interview.

## Interview Attendees

EMT Ryan Bittel  
Daniel Linnel (Local 1975)

## Interview Location

5055 Rockside Rd.  
Independence, Ohio

Ryan Bittel has been employed by the City of Cleveland EMS for 4 years. He previously worked for Rural Metro Ambulance Services since he was 18 years old. 6 Months of training was needed for his basic EMT certification and 1 full year was needed for his Paramedic Certification.

On November 22, 2014, Bittel was assigned with EMT Aaron Nicholson on Medic #30 based out of E. 102<sup>nd</sup> and St. Clair Avenue working 7am to 7pm. The following is a summary of information received from Bittel during this interview:

- They are dispatched either thru radio or via their computer in the ambulance, which gives location and description of incident. Their Ambulance has a GPS Locator for dispatch placement.
- They were en-route at 3:32 pm and arrived on scene at 3:40 pm. (8mins)
- Bittel recalls multiple police cars and a lot of people on scene.
- They started patient care on him near the gazebo, fire was providing care upon their arrival.
- Shooting calls are considered a "Load and Go" situation; *"Put in back of ambulance and get going"*
- All intervention is done en-route and a fireman is asked to drive the ambulance (he doesn't recall who drove).
- They loaded up Tamir in the ambulance at that time he had a pulse, but he was unresponsive.
- He didn't know it was an officer involved shooting until arriving at the hospital, Bittel states he has been on approximately 20-50 shooting calls.

Bittel states that firemen and police officers occasionally enter the EMS truck. With that being said, if anyone is delays or hinders care, they will be removed from the EMS truck. Bittel recalls the mother being irate, stating she wanted the Chief of Police called.

Respectfully submitted for your review,

Homer Allen

## CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-00004

DATE 4/12/15

FROM James Mackey, Detective

TO Sgt. Sharpe

SUBJECT Contact Attempt to CPD Det. Lentz

COPIES TO File

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In relation to the above titled investigation, I was assigned by Sgt. Eugene Sharpe to arrange an interview with Cleveland Police Detective Daniel Lentz of the 1<sup>st</sup> District. Det. Lentz was riding with FBI Special Agent [REDACTED] conducting follow up investigation to an unrelated bank robbery in the 1<sup>st</sup> District. According to SA [REDACTED] they heard a radio transmission for shots fired and they responded to assist.

On Sunday April 12, 2015 I left a voice mail message on the 1<sup>st</sup> District Detective line requesting Det. Lentz to contact me. My contact information was left.

A follow up call will be place on Tuesday April 14, 2015 in the event I do not receive a call from him.

//////S//////

James Mackey, Detective

# CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-00004

DATE 04/16/2015

FROM Det. Homer Allen

TO Sgt. Sharpe

SUBJECT Joe Wise Summary

COPIES TO Lt. Smith, File

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On Friday March 20th, 2015 while assigned to the Cuyahoga County Sheriff's Detective Bureau Sgt. Sharpe advised Detective Mackey and me to interview Joe Wise in reference to a Cleveland Police Use of Deadly Force incident which occurred on November 22, 2014. The following is summary of that interview.

Joe Wise reported to 5505 Rockside Rd. Independence and states that he has previously provided a statement to Cleveland Police Department. Wise states the following:

- He is 81 Years Old
- Worked for the City and Board for 34 years as a teacher in physical education and recreation
- Retired in 1985 and came back as a consultant.
- Is supervisor of the "Old Tymers" Basketball Team that practices at Cudell Recreation for the last 2 years.
- Has been with Basketball organization for 46 years.
- On Nov. 22<sup>nd</sup> arrived around 1:40-1:45 for basketball practice and parked in handicap parking spot.
- He saw a young male 20 feet from his car, pointing a black gun towards the ground.
- No one else was out there so he didn't focus on him or alarm him, young male turned and walked away.
- Young male was wearing a grey jogging suit with blue arms.

Once Joe Wise observed the two coaches arrive, he exited his car and entered the building thru the rear doors closest to the basketball courts. He has only spoken with one kid, which was going to Central Catholic High School for Basketball and doesn't have any dealing with any other kids from Cudell Recreation Center.

Please refer to DVD copy of this interview to obtain any additional needed information.

Respectfully submitted for your review,

Homer Allen

# CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-0004

DATE 04/16/2015

FROM Det. Homer Allen

TO Sgt. Sharpe

SUBJECT EMS Supervisor Foley Summary

COPIES TO Lt. Smith, File

On Thursday March 19th, 2015 while assigned to the Cuyahoga County Sheriff's Detective Bureau Sgt. Sharpe and I conduct an interview with EMS Chief Supervisor Foley in reference to a Cleveland Police Use of Deadly Force incident which occurred on November 22, 2014. The following is summary of that interview.

## Interview Attendees

Chief Dispatcher Supervisor Renee Foley #218  
Dan Ressler (OBPA) Representative

## Interview location

5505 Rockside Rd.  
Independence, Ohio

Renee Foley has been employed by the City of Cleveland since 1994 as a dispatcher. For the last 3 years she has been the Chief Dispatcher responsible for 27 Dispatchers, payroll, scheduling, field calls, and talk to supervisors on the street. Her years of experience and a month long, on the job supervisor training have prepared her for this position.

## 911 Call Process

- Call received by call takers, usually (8-10) on each shift
- Call takers enter data into computer about call (Will scream across room) "*Guy in park with a gun*"
- Call automatically transferred to district for dispatcher to assign
- Dispatcher has a certain number of cars to dispatch from each sector, right away
- If no open cars available, dispatcher can send another car depending on priority of call

## Shots Fired Process

- Once she is notified of Shots Fired, everyone is paged thru paging system, along with the following:
  1. Chief of Police Williams (Contacted on phone directly)
  2. Commander of District McCartney (Contacted on phone directly)
  3. UDFIT "Use of Deadly Force Investigation Team" (Paged)
  4. Union Representation (Paged)
  5. All Commanders in City (Paged)
  6. Safety Director (Paged)

This protocol has remained the same since she has been here. There is a policy and procedure for this order and a separate policy and procedure for Dispatchers and Dispatcher Supervisors. All calls are recorded, but she doesn't know how long the records are kept. When all calls and pages are sent and acknowledged she produces a Chiefs Items list to forwarded, completing her roll. Foley feels that protocol was followed, and nothing seems out of ordinary about actions of her dispatchers and herself.

Respectfully submitted for your review,

Homer Allen

## CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-00004

DATE 4/20/15

FROM James Mackey, Detective

TO Sgt. Sharpe

SUBJECT Tentative Interview [Lentz / Hollinger] Follow up with CPPA President Loomis

COPIES TO File

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On Friday April 17, 2015 a follow up call was placed to CPPA Union President Steve Loomis advising him that a tentative interview was set up with Detective Lentz for Wednesday April 22, 2015 at 5:30 pm. On Monday April 20, 2015 I spoke with Loomis via phone and again relayed the information to him about the tentative interview with Det. Lentz. I also again requested that if schedules allow that Dispatcher Hollinger also be scheduled for the same day. He informed me that he would check the schedule of Union Attorneys.

A follow up call will be placed on Tuesday April 21, 2015 to confirm.

//////S//////

James Mackey, Detective

## CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-00004

DATE

FROM James Mackey, Detective

TO Sgt. Sharpe

SUBJECT Det. Lentz Tentative Interview

COPIES TO File

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On Monday April 14, 2015 I spoke with Det. Lentz at 1<sup>st</sup> District Detective Bureau by phone. I requested an interview with him regarding his observations and recollections after responding to 1910 West Blvd., Cleveland Ohio on November 22, 2014. A tentative meeting has been set for Wednesday April 22, 2014 at the Cuyahoga County Sheriff's Detective Bureau.

//////S////////

James Mackey, Detective

## CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-00004

DATE 4/22/15

FROM James Mackey, Detective

TO Sgt. Sharpe

SUBJECT Witness [REDACTED] [REDACTED] Attempt to Contact

COPIES TO File

In relation to the above investigation, Det. Allen and I attempted to make contact with [REDACTED] [REDACTED] was previously scheduled to be interviewed on March 27, 2015 with his mother [REDACTED] and was a no show. The interview would be center around his observations and interactions with Tamir Rice that he had on November 22, 2015 at the Cudell Recreation Center (1910 West Boulevard, Cleveland OH). [REDACTED] was identified by other witnesses and identified on Cudell Recreation Center video as being with Tamir Rice earlier in the day on November 22, 2014.

Today we attempted to make contact with [REDACTED] to schedule another interview at his residence at [REDACTED] OH. His mother, [REDACTED] ([REDACTED]) said he had run away and is interested in filing unruly charges through juvenile. Det. Allen and I attempted to locate him at two addresses that his mother supplied us with as well as checking at Max Hayes High School where he is enrolled.

At [REDACTED] we spoke with School Security Supervisor Officer [REDACTED] who indicated [REDACTED] was not in attendance at school today. School attendance records have him absent from school since April 14, 2015 with the exception of attendance at two classes in April 20, 2015. Our contact information was left and asked that a call be made to us when he is in attendance at school. We reiterated to Officer Malone that [REDACTED] was not in trouble, he was a witness in a case we are investigating and we would like to speak with him.

We also checked at [REDACTED] [REDACTED] OH, one of the addresses that his mother gave us as a possible location (3 houses down from his residence). We were unable to make contact with any occupants at this address.

The second address given to us by [REDACTED] was [REDACTED] [REDACTED] OH (one street West). Contact was made with [REDACTED] ([REDACTED]) She said [REDACTED] was a friend of her son, [REDACTED]. She said [REDACTED] had frequently stayed at her house when his mother kicked him out but she was unaware of his current location. We also spoke with her son [REDACTED] who said he did not know Tamir Rice and did not have any interactions with him on November 22, 2014. He also was unaware of the whereabouts of [REDACTED]. Our contact information was left with [REDACTED] and asked her to call or pass our information along to [REDACTED] if she saw him.

//////S//////

James Mackey, Detective



## CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-00004

DATE 4/23/15

FROM James Mackey, Detective

TO Sgt. Sharpe

SUBJECT Detective Lentz and Dispatcher Hollinger Interview Date/Time Set

COPIES TO File

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In relation to this investigation on Tuesday April 21, 2015 I spoke with CPPA President Steve Loomis via phone confirming interview with Detective Lentz and Dispatcher Hollinger on Wednesday April 22, 2015 at the Cuyahoga County Sheriff Detective Bureau. Loomis requested that if all possible the interviews be conducted either Thursday April 23 or Friday April 24, 2015 to accommodate schedules of all interested parties.

Friday April 24, 2015 at 9:00am at the Cuyahoga County Sheriff Detective Bureau was confirmed for Det. Lentz as well as Dispatcher Hollinger and respective Union representation would be in attendance.

//////S/////

James Mackey, Detective

CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-00004

DATE 04-23-2015

FROM Det. Homer Allen

TO Sgt. Eugene Sharpe

SUBJECT EMS Paramedic Aaron Nicholson

COPIES TO Lt. Smith, File

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Sir,

Message was left for EMS Paramedic Aaron Nicholson on Wednesday April 22, 2015 at 4:34pm via cellular phone number [REDACTED] to please contact this officer to set up an interview, but as of Thursday night have not received a call back.

Submitted for your review,

Homer Allen

CUYAHOGA COUNTY SHERIFF'S OFFICE

07-30

FILE NO. 15-00004

DATE 04-27-2015

FROM Det. Homer Allen

TO Sgt. Sharpe

SUBJECT [REDACTED] Interview Attempts

COPIES TO Lt. Smith, File

Sir,

While on duty and assigned to the Cuyahoga County Sheriff's Department Detective Bureau, Sgt. Sharpe requested that an interview be established with possible witness Terrell Stanley. In reference to, his possible knowledge of Cleveland Police Shooting at Cudell Recreation Center on November 22, 2014.

The following shows all attempts made to establish an interview with [REDACTED]:

1. Tuesday April 14<sup>th</sup> arrived at [REDACTED] Residence at [REDACTED] Spoke with brother of [REDACTED] left business card.
2. Wednesday April 15<sup>th</sup> [REDACTED] mother of [REDACTED] called to inquire about interview, informed me that [REDACTED] works 4p-12a and told me to call him in mornings at [REDACTED]
3. Monday April 20<sup>th</sup> contacted [REDACTED] at home and interview set up for Friday April 24<sup>th</sup> at 2pm Ms. [REDACTED] called very upset about interview, she was informed again about reason for the interview and was told that she was free to join us on Fridays interview. She agreed and states she would be there on Friday. [REDACTED] gave me his cell phone number [REDACTED] for another contact
4. Friday April 24<sup>th</sup> while waiting at Independence, I attempted to contact [REDACTED] on his home number 2 times I got no response. I contacted his cell phone and it does not except incoming calls, thus a additional call was placed to the home phone, and a male answered and acted like he could not hear me. I called back and this time no one answered. [REDACTED] never showed up for 2pm interview nor did he contact me on my office or cellular phone.

Respectfully submitted for your review,

Homer Allen

Case # 15-00004

Interview of Firefighter Patrick Hough

April 29, 2015

Time: 1:18 PM

Place: Fire Station #1

Present: Frank M. Szabo, President of the Association of Cleveland Firefighters

Patrick Hough, Firefighter Station 23

Francis Shantos, Acting Chief of Division

Sgt. Eugene Sharpe, Cuyahoga County Sheriff's Department

Wayne Nader, Battalion Chief

Sgt. Dave Lisy, Cuyahoga County Sheriff's Department

Det. Homer Allen, Cuyahoga County Sheriff's Department

Det. John Morgan, Cuyahoga County Sheriff's Department

Morgan: Again, prior to us beginning this interview, we do understand that this is something that Patrick Hough, Firefighter 1?

Hough: First grade.

Morgan: First grade, um is doing voluntarily, um, um, and we appreciate him coming forward, um, at the request of the Sheriff's Office and the, the Cleveland Fire Department along with the Chiefs for allowing it to occur. We're going to talk about the events that occurred on November 22<sup>nd</sup>, 2014, but prior to us gettin' to that, I'd like to get a little background information on you.

Hough: OK.

Morgan: What's your full name?

Hough: Patrick James Hough

Morgan: Um, what's your date of birth, Patrick?

Hough: [REDACTED].

Morgan: OK; and when did you uh, join the Cleveland Fire Department?

Hough: 3/9/98

Morgan: Is that when you joined, or is that when you got out of the...

Hough: That's my first day...

Morgan: ...Fire Academy.

Hough: That's when I joined.

Morgan: OK.

Hough: Yeah.

Morgan: Now, I don't know how, how it works, um, (inaudible) when you graduate or; or

Hough: Yeah, the start date is 3/9/98

Morgan: The start date is 3/9/98? OK; OK, and um, what is your current assignment?

Hough: My current assignment is Engine 23.

Morgan: Which is located...

Hough: 9826 Madison.

Morgan: Now, explain to us about what a First Grade Fire Fighter is for all those of us who don't have that knowledge.

Hough: Your start date – my start date, 3/9/98

Morgan: Uh-huh.

Hough: ...as of then, I'm considered a Fourth Grade Fire Fighter.

Morgan: OK.

Hough: And then each year, you move up to Third Grade, Second Grade; it's part of your apprenticeship.

Morgan: OK.

Hough: I guess; does that sound right?

Morgan: Outstanding – I mean, we're learning as we go.

Hough: I understand.

Morgan: And um, again, just let me say, if; if I ask you a question – I want you to feel comfortable. If I ask you a question, and you don't feel like answering; you can, you know, turn to your Union Rep. You can turn to your Chief, or you can say, "I just don't feel like answering," and I'll say, "OK,..."

Hough: Alright.

Morgan: ...I understand;" OK?

Hough: Yep.

Morgan: So, can you also explain to us um, how is it that you work? What's your shift? Um, some of us know it's like, some think it's 24 hours on; 24 hours... I don't understand.

Hough: Yeah, 24 on; 48 off.

Morgan: OK.

Hough: And actually this day, lucky me I was working on a trade; that wasn't my shift. I was working for uh, Rich Sheft.

Morgan: OK.

Hough: So, that was a B shift; not my normal shift, but obviously guys I'm quite familiar with.

Morgan: OK; and um, so, during that 24 hours on; you guys are; you know, you're doing your duties at the Fire House. Um, uh, and obviously, you respond to – and what kind of calls to you all respond to? Is it just fire?

Hough: Medical emergencies; fires...

Morgan: OK.

Hough: ...um car accidents; a long list.

Morgan: A long list of things?

Hough: Yeah.

Morgan: OK; um, had you been called out that day prior to this?

Hough: Yes, actually, we were on a run when we – we had just cleared a run on uh, 41<sup>st</sup> and 90; a car accident on the highway, and just called in service and were heading back to 90 West to head back to the station, and we received this call; so, what normally would have been a 45 second response time, because it's literally right behind our firehouse – Cudell. You know, it's probably 4 minutes.

Morgan: OK; OK; so, on this date, November 22<sup>nd</sup>, 2014, when does your shift start; that 24 hour period begin?

Hough: 8:30 in the morning.

Morgan: 8:30 in the morning.

Hough: Uh-huh.

Morgan: Um, and this is a Saturday?

Hough: Correct.

Morgan: Um, you had a previous call. You're on your way back to the fire house on this same ladder Engine 23?

Hough: Correct.

Morgan: Um, and how does the call come through?

Hough: We received it as – I, I, can't remember the age. I know it wasn't 12 year old...

Morgan: If you can't remember, you can't remember.

Hough: Yeah, I can't remember – we received it as a GSW; gun shot wound. Male with a gunshot wound.

Morgan: Well, when I say, how's it come in, does it come in like...

Hough: There's a computer on our apparatus.

Morgan: OK.

Hough: And uh, the Lieutenant was in the front seat, and he's the one that gets it.

Morgan: OK.

Hough: And uh...

Morgan: So, it's not like how we would normally get it or you know – it comes over the radio, "Hey, car such and such, you available?" or "Hey, we need you to respond to this." It comes over...

Hough: Well, it will come across the computer first, and then our dispatch will contact us over the radio.

Morgan: OK; OK.

Hough: Yeah.

Morgan: OK; so, you arrived on scene; um, how many fire fighters are on Engine 23?

Hough: There's 4.

Morgan: There's 4?

Hough: Yeah.

Morgan: Um, obviously, you have a driver, you have a lieutenant...

Hough: Driver, lieutenant, and two, two on the back step.

Morgan: OK; so, if you can recall, how do you enter Cudell?

Hough: We came – there's uh, you know, two, two entrances off of uh, West Boulevard?

Morgan: Uh-huh.

Hough: We came the south one, because we were coming from 98<sup>th</sup>.

Morgan: OK.

Hough: Uh, so we entered the first one; came all the way straight back, and then, we parked right on the – before ya'; you know, swinging around to go out. We were on that little straight away right; right in front of the – the police car was right in front of me when we got out.

Morgan: Do you recall, if you can, can you remember any details about when you dismounted from the unit, and were going over toward where the police car was at the gazebo?

Hough: I remember seein' the police car where it was, which kind of threw me for a loop. Why was it on the grass?

Morgan: Uh-huh.

Hough: And then, there was – when we got to the body, there was a gentleman who we later found out was FBI – I think, that was administering first aid.

Morgan: OK.

Hough: Um, he was – he said he was a paramedic; so, my boss was a paramedic also; so, they were kind of runnin' the show. I had to run back to the engine for suction. And I remember running back, and I didn't notice when I first got off the engine, but when I was running back, I know it seemed like a hundred people standing there with phones.

Morgan: Yeah.

Hough: Which I was – I was just, "Where's they come from?" So, that kind of took me by surprise.

Morgan: They were filming with their video...



Hough: Right.

Morgan: ...portion of their cellular...

Hough: Right..

Morgan: ...telephones? OK.

Hough: Right; I don't know if it was a hundred people, but it seemed like a lot.

Morgan: I'm sure it was probably close; um,...

Hough: So, I got back with the suction, and probably at this point, EMS had pulled up.

Morgan: OK; it's hard to gauge time in those circumstances; I understand. Um, and you were coming from the highway; so, based on the time that you were dispatched, what would you say approximately the response time was about 2 minutes, 3 minutes? I don't know

Hough: 3, 3 to 4 minutes.

Morgan: Do you recall how long after you were on scene did EMS arrive?

Hough: I'd say probably about the same, 3 minutes.

Morgan: OK; now...

Hough: I can't be sure about that either.

Morgan: While you're goin' back and forth, when you came – when you got off the engine, did anybody say anything to you other than the agent? Did you hear anything?

Hough: Nuh-huh; no.

Morgan: Did any officer speak to you at all?

Hough: I never spoke to an officer at all.

Morgan: Um, at some point...

Hough: Well...

Morgan: Go ahead; go ahead.

Hough: It's a little further down; so, I don't know if I should. It was after when I was in the ambulance, and the mother was, was getting in, and she was having a confrontation with a woman police officer, and I think it was about the daughter in the back of the, of the squad car.

Morgan: OK.

Hough: And, I had to wait for Engine 23 to move; so, I could get by once we got Tamir loaded up. So, I was waiting on the engine to move, and it moved, so, now, I'm trying to go, and she's still hanging out the door screaming at the officer, and I'm just like we have to – could you please shut that door, we gotta go. And then the officer said something to the effect, "Get her out of here now, or she's goin' to jail." So, something along those lines.

Morgan: OK; um; so, leading up to putting Tamir in the ambulance, um, about how long after that was between when you went to get suction, until you guys loaded him up?

Hough: Uh, it was – EMS wasn't on scene at all. It was a load and go. We got him loaded up pretty quick.

Morgan: So, at what point – because I don't know how it works between EMS and fire. Um, you were the driver of EMS?

Hough: Yes; when those situation with life threatening, they'll have Fire drive so they'll have their 2 medics in the back.

Morgan: OK.

Hough: And then, our medic was in the back also; so, they had 3 medics in the back, and then somebody from Fire will drive.

Morgan: So, you got the um, you got the um, assignment of driving?

Hough: Correct

Morgan: The, the, unit, the bus, the unit, the EMS truck.

Hough: Yes; uh-huh.

Morgan: So, when you all load Tamir in the back, um, did – where was mom? How does mom come into this – Mrs. Rice or Miss Rice? How does she get – I understand she was in the front seat?

Hough: Yes; they normally don't want them riding in the, in the back.

Morgan: Sure.

Hough: Um, I, I never saw her – I heard she came down 99, but I don't remember seeing her until she was getting in the, in the rig.

Morgan: OK; so, as you previously stated, that she was in the front seat, and she was just kind of leaning out the window or...

Hough: She had just never shut the door. She was just yelling out at the, at the woman.

Morgan: What was she yelling?

Hough: It was something about the daughter. She – that, that, “Get her out of there or I’ll have your job;” or she said that a few times to me on the way there. (inaudible), but she wanted, wanted her job for detaining the daughter.

Morgan: OK; well, after she closed the door, and she’s seated, and you – I’m sure you told her to put her seat belt on. What did she say to you? What was her demeanor? Can you just (inaudible) how that whole thing transpired?

Hough: She screamed at least 10 times. “I know the fuck they didn’t shoot my mother fuckin’ son.” Just kept like rockin’ back and forth; just screaming it.

Morgan: OK.

Hough: And now we’re movin’; so, I’m just – I was tryin’ just to keep my eyes on the road and not engage.

9:22

Morgan: Sure.

Hough: And she never; she never really addressed me ‘til later. After she took a phone call she addressed me, but she kept sayin’ that, and then she said, um, “I’ll have all your jobs. I’ll see all you mother fuckers at Pelican Bay.”

Morgan: OK.

Hough: And then, this is while we’re on 90; we’re probably approaching like 41<sup>st</sup> – 44<sup>th</sup>.

Morgan: Pelican Bay?

Hough: Yeah.

Morgan: Where’d that come from? I’m trying to figure out why she...

Hough: Uh, Denzel Washington. It’s a line from *Training Day*.

Morgan: OK.

Hough: That’s what I was told. I didn’t know what it was either.

Morgan: Alright.

Hough: So, uh, then right after, after that, you know, still rockin' back and forth screamin' about her son being shot. Then her phone rang.

Morgan: OK.

Hough: So, she was on the phone and screaming at – I have no idea who it was that called her, but she was screaming that her son got shot, and we were on the way to metro, and “get your ass up to Metro now.” And then she – this is the only time she addressed me. She put her hand over the, uh, uh, phone, and turned to me and said, “He dead.”

Morgan: He did?

Hough: He dead. I said, “No, he's not dead.”

Morgan: Oh, like: he dead?

Hough: Yes.

Morgan: OK.

Hough: And then she got back onto the – back to her conversation.

Morgan: Just for my education on this, are the sirens goin'? Are the lights goin'?

Hough: Oh, yeah; uh-huh.

Morgan: And she can still talk on the phone? Those things are loud.

Hough: It's loud; yeah. She was, she was yellin'.

Morgan: Um, do you recall anything else about that telephone conversation?

Hough: Just, no; just whoever she was talkin' to, she wanted them at Metro, ASAP.

Morgan: OK; and later she said somethin' to you; you said, this is the Pelican Bay line?

Hough: Yeah, well, that was before her conversation; that she was gonna have all of our jobs. And at this point, I didn't, I didn't know it was a police shooting. I didn't know that until I walked out of Metro and an EMS supervisor said somethin' to me.

Morgan: OK.

Hough: So, the whole time...

Morgan: You didn't know? You just...

Hough: No, I had no idea. None of us did, because we were talkin' about it on the way back. I'm like, "Did anyone know this was a cop (inaudible)?" We had no idea. It never came across our computer; I – not necessarily would. I mean it wouldn't – It wouldn't make a difference, I guess.

Morgan: Did anybody happen to – either when you were on-scene, or in the – on the ride to Metro; did anybody happen to mention his age?

Hough: No, I didn't know that 'til the next day.

Morgan: OK.

Hough: Or the next morning when – 'cause he was a pretty big kid. I was – I remember being shocked when I heard he was 12.

Morgan: Uh-huh.

Hough: I would have thought like 16; maybe – somewhere in there, but I was like 12; wow.

Morgan: Was there any threats to you from anybody? Anybody; family members; I don't know what happened – once you get, once you get to the hospital; once you get to Metro ER, what's your role when you get there?

Hough: We get the patient into the operating room; into the – to the doctors.

Morgan: OK.

Hough: Get the (inaudible) off the cot, and then, then we're done.

Morgan: Now, when you pull up and they're taking him out...

Hough: We took – I took him out.

Morgan: Did you help take him out?

Hough: Yes.

Morgan: Where was mom? Was mom still...

Hough: She was getting out of the rig.

Morgan: OK.

Hough: And she was still on the phone with – I don't know if it was the same conversation of not, but...

Morgan: No other family members were there; just...

Hough: Not that I recall.

Morgan: OK.

Hough: I'm sure they were filtering in by the time we left there, 'cause the people were starting to show up as, as we were getting back on to Engine 23.

Morgan: OK; um; so, when you, again, when you arrived, um, everybody – where was he, Tamir, located when you, when you arrived on scene? I'm just tryin' to go back now.

Hough: Right under the gazebo there or at the gazebo.

Morgan: OK; which way was he...

Hough: I want to say,...

Morgan: ...facing? Was his legs facing...

Hough: ...I want to say his head was facing south.

Morgan: OK; OK.

Hough: Yeah.

Morgan: Um...

Hough: And there was – I was like very surprised that there was, there was, no uh, there wasn't much blood. There was no exit wound.

Morgan: OK; did you see the fire arm at all?

Hough: Yes.

Unidentified Person: Hold on, hold on; can we clarify that? Can you amplify your question so that he...?

Morgan: Absolutely; did you, did you see the, um – at the scene, um, was there something that resembled a fire arm.

Hough: What I thought was a gun; yes; near, near him; close probably.

Morgan: Was it near – how close to him was it?

Hough: It was within a couple feet.

Morgan: OK.

Hough: I remember loading him up, and that's, that's when I saw it, as we were lifting stretcher onto – or lifting the back board onto the cot.

Morgan: Did you see anything else around – 'cause I know – listen, I understand it. I mean, you get there; you're focused on, on, you know, what your job is. And that's to save lives. Um, but I just don't know if you happened to catch a glimpse. You saw the, the, what appeared to be a fire arm. I don't know if there was anything else. Was there anything else associated with that?

Hough: No, that's, that's, that's all I recall. It was kind of like real quick.

Morgan: I understand; OK. Um, you have anything?

3:20

Allen: Um, how many shooting calls have you; think you've responded to?

Hough: A lot.

Allen: Quite a few? Have the scene basically been, generally about the same, or did this one stand out more than the other ones?

Hough: Well, I remember uh, obviously before I found out it was uh, uh police shooting, I was in a situation almost identical, where the mother rode in the front seat with me.

Allen: OK.

Hough: Her son was shot; but it wasn't, it wasn't a police shooting, and it came back to me as I was getting on 90, I was thinking, "Wow, is this different." Because that woman wanted to hold my hand, and she wanted me to pray with her, and that thought went through my head, "Oh, this is, this is a little different." And it makes sense now if the police (inaudible), and people are gonna react differently.

Morgan: It was the opposite.

Hough: It was the exact opposite.

Unidentified Person: Right, right, right; um, what is an ALS truck?

Hough: An ALS truck?

Unidentified Person: Correct.

Hough: Advanced Life Support.

Unidentified Person: Alright; is your squad considered a ALS truck as well?

Hough: Yes.

Unidentified Person: OK.

Morgan: Well, goin' back to that last question; you answer. What was different in, in, the way that the other person wanted to hold your hand versus how she was?

Hough: Well, she's screaming at me that she wanted my job, and – I was, I was just not takin' it back, but I was just shocked that we're tryin' to help, and she's just screaming at me like I did somethin' wrong, but I didn't know. I didn't know at the time that it was a police shooting.

Morgan: What was she sayin' to you? Did she say she's gonna take your job, too?

Hough: She said, she – yeah, she was gonna have all our jobs.

Morgan: Really?

Hough: "I'll have all your jobs," is what she said. "I'll see all you mother fuckers at Pelican Bay."

Morgan: And how did you respond to her?

Hough: I didn't, I didn't answer. I just...

Morgan: Good.

Hough: ...tended to - get me to Metro, please.

Morgan: Just get there; Oh, yeah.

Allen: Now, the scene was pretty hectic. At any point did you kind of feel for your safety?

Hough: No.

Allen: OK.

Morgan: I mean, was the crowd gettin' – were they screamin' at you know...

Hough: Like I said, I didn't notice them; just out of the corner of my eye...



Morgan: Uh-huh.

Hough: ...when I ran back to get suction, and...

Morgan: You're kind of like tunnel vision ...

Hough: Yeah, I, I didn't...

Morgan: (inaudible)

Hough: I don't recall them screaming at us or — just um; yeah, the mother was the big screamer. And you know, I don't want to be in that situation; so.

Morgan: Do you have any questions for us?

Hough: No, I don't think so.

Morgan: I'm sorry it's taken a while to get to you, but, um, you know, we're just conducting an investigation. We're just trying to be as thorough as we possibly can. Um, does anybody else have any questions in the room?

Unidentified Person: No, we, we understand. We're glad that Firefighter Hough could assist you.

Morgan: Yeah, and uh, we'd like to thank you for this and for responding as quickly as possible on that particular day, and um, and just doing your job. Um, if there's nothing else, thank you, gentleman; appreciate it.

# CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-00004

DATE 05/12/2015

FROM Detective David Jacobs  
SUBJECT Review of Cudell Recreation Center surveillance cameras  
COPIES TO File

TO Sergeant Eugene Sharpe

The following review of surveillance video is in conjunction with the investigation of the Use of Deadly Force incident involving the Cleveland Police Department (CPD). The incident occurred at the Cudell Recreation Center (CRC), 1910 West Boulevard, Cleveland, Ohio on November 22<sup>nd</sup>, 2014 at approximately 3:30pm.

The DVD reviewed by the writer was provided to the Cuyahoga County Sheriff's Office via the Cuyahoga County Prosecutors' Office (CCPO.) The DVD contains approximately five (5) hours of surveillance video. The recording time for all cameras is 11:00am to 4:00pm. The date and time appears to be accurate, there are other factors that were evaluated to ensure the time on the video surveillance footage was and is deemed accurate. This includes witness statements, CPD Dispatch, and log in times captured by the CRC. The DVD also contains ten (10) separate camera views. The cameras listed below are numbered one thru ten and located on or about various locations at the CRC. Camera numbers are located in the upper left area of each view, for example (cam1.) The camera views may overlap coverage but are separate and function independently.

- Cam 1 - view of gazebo facing east, located on a utility pole (outside)
- Cam 2 - view of parking lot facing west, located on a utility pole (outside)
- Cam 3 - view east entrance, located on the CRC (outside)
- Cam 4 - partial view gazebo, parking lot facing south, located on the CRC (outside)
- Cam 5 - view of indoor basketball court facing south west (inside)
- Cam 6 - view of the second floor indoor hallway, facing west, located inside the CRC (inside)
- Cam 7 - view of the front desk, facing east, located inside the CRC (inside)
- Cam 8 - view of the gazebo located in the rear (west), facing north/west located on CRC (outside)
- Cam 9 - view of the parking lot, facing south/west, located on the CRC (outside)
- Cam 10 - view of the rear entrance (west) facing west (outside)

All of the cameras listed above are operated and maintained by the CRC. The DVR recording device is located in the CRC managers' office. The original DVR was obtained and entered into evidence. The DVR was submitted to the Ohio Attorney Generals' Office, Bureau of Criminal Investigation (BCI) for further examination. The DVR did not contain the original footage from November 22<sup>nd</sup>, 2104. The hard drive was overwritten. It was determined through further examination/investigation that the footage remains on the hard drive for approximately thirty (30) days before it is overwritten.

The following are associated with times and events indicated on the surveillance video. The camera views depict Tamir Rice, [REDACTED] Rice and others identified through further investigation and will be named or described depending on known or unknown identity, clothing description could be used otherwise.

CUYAHOGA COUNTY SHERIFF'S OFFICE

073-00

FILE NO. 15-00004

DATE 05/12/2015

FROM Detective David Jacobs

TO Sergeant Eugene Sharpe

SUBJECT Responding CPD Officers

COPIES TO File

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The following investigation is in conjunction with the Cleveland Police Department (CPD), Use of Deadly Force incident which took place at the Cudell Recreation Center (CRC) on November 22<sup>nd</sup>, 2014 at approximately 3:30pm. The following is a list of responding CPD Officers and the order in which they arrived to include their respective call signs and approximate times:

**First on scene:** Officers Timothy Loehmann and Frank Garmback, 1A25, 1528 hours-(CPD William Cunningham)

**Second on scene:** Special Agent [REDACTED] and CPD Detective Daniel Lentz, 1I76, 1533 hours

**Third on scene:** Officers Ken Zverina and Ricardo Roman, 1A26, 1534 hours

**Fourth on scene:** Officer Lou Kitko, 1C21, 1536 hours

**Fifth on scene:** Officers Chuck Judd and Brian Taylor, 1D26, 1537 hours

**Sixth on scene:** Officer Tom Griffin, 1C24, 1539 hours

**Seventh on scene:** Sergeant Janell Rutherford, 1S23, 1543 hours

Respectfully Submitted,

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Detective David Jacobs

CUYAHOGA COUNTY SHERIFF'S OFFICE

0/3-00

FILE NO. 15-00004

DATE 05/12/2015

FROM Detective John Morgan #241

TO Sergeant Sharpe

SUBJECT Synopsis of CFD Patrick Hough

COPIES TO Lt. Smith, File

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On April 29, 2015 while assigned to the Cuyahoga County Sheriff's Detective Bureau and in company with Detective Homer Allen were given an assignment by Sergeant Eugene Sharpe to conduct a follow up investigation into a Cleveland Police Use of Deadly Force incident which occurred on November 22, 2014. The following is result of that investigation.

On this date investigators conducted an interview with City of Cleveland Firefighter Patrick HOUGH. Present during the interview were Frank SZABO, President of the Association of Cleveland Firefighters, Francis CHANTOS, Acting Chief of Division, Wayne NAIDA, Battalion Chief, Sergeant Eugene Sharpe and Sergeant David LISY of the Cuyahoga County Sheriff's Department. The following is a synopsis of an audio recorded interview conducted at Cleveland Fire Department's Fire Station #1 located at 1645 Superior Avenue, Cleveland, Ohio:

**PATRICK HOUGH, [REDACTED] FIREFIGHTER 1<sup>ST</sup> GRADE. ENGINE 23 LOCATED AT 9826 MADISON AVENUE, CLEVELAND, OHIO.**

HOUGH stated that he was appointed a Cleveland Firefighter on March 9, 1998. He explained that when a fireman graduates from the Cleveland Fire Academy, he graduates with the rank of Firefighter 1<sup>st</sup> Grade. HOUGH stated that since graduation he has obtained the rank of Firefighter 4<sup>th</sup> Grade and currently is assigned to Engine #23 located at the address of 9826 Madison Avenue.

HOUGH stated that he works twenty-four (24) hours on duty and forty-eight (48) hours off duty. His shift will begin at 0830 and end at 0830 Hours the following day. HOUGH explained that Engine #23 is an Advanced Life Support (ALS) engine which contains four (4) personnel on the vehicle; a driver, a Lieutenant and 2 other firefighters. HOUGH stated that he has responded to many calls where people have suffered from gunshot wounds.

On November 22, 2014 HOUGH stated that he began his shift at 0830 Hours and his crew had just completed a call on West 41<sup>st</sup> St. and Interstate 90 East when the call came in over the monitor to respond to Cudell Recreation Center. HOUGH explained that a call will come in over a computer monitor inside of the vehicle even before it is dispatched by radio and had arrived at the recreation center no more than three minutes after receiving the call.

HOUGH recalled arriving at the recreation center and observing a police cruiser parked on the grass and that an FBI Agent was providing first aid to the male with a gunshot wound. HOUGH stated that other members of his engine had taken over first aid and remembers being sent back to the engine to retrieve a device for suction. He stated that there were other people present and watching but was so focused on what he was doing that he cannot recall who was there and what they were doing.

HOUGH stated that shortly after they arrived on scene Emergency Medical Service (EMS) arrived, the patient was loaded in the back of the EMS unit; both EMS paramedics along with one fireman were in the back with the patient while HOUGH sat in the driver's seat to drive the unit to Metro Hospital. HOUGH explained that in life threatening situations that both EMS personnel will ride in the back of the unit while a fireman will drive the unit to the hospital

## CUYAHOGA COUNTY SHERIFF'S OFFICE

HOUGH stated that normally paramedics do not want family members riding in the back of the unit while the patient is being attended too so Ms. RICE rode in the front of the EMS unit with HOUGH. He stated that he didn't remember seeing her until she climbed into the front of the unit.

HOUGH stated that Ms. RICE never actually shut the door after she entered the EMS unit. He stated that she had her head out of the door and she was yelling at a police officer about her daughter. HOUGH recalled that Ms. RICE was telling the police officer that if she didn't release her daughter from the police car that she would have her job!

After closing the door HOUGH stated that Ms. RICE screamed several times, "I know the fuck that they didn't shoot my mutherfuckin' son!" HOUGH stated that she was rocking back and forth screaming this same phrase until she took a telephone call. After the call she said to HOUGH, "I'll have all of your jobs...I'll see all you motherfuckers at Pelican Bay." (HOUGH stated this was a reference to a line from Denzel Washington's character in the movie Training Day.)

After this statement her telephone rang and she was screaming to the person on the telephone that her son had just been shot and to get to Metro as soon as possible. He stated that Ms. RICE then placed her other hand over the telephone and turned to HOUGH and asked, "He dead?" Which HOUGH replied, "No he's not dead?" Mr. RICE then continued with her telephone conversation.

HOUGH stated that he was completely unaware that this entire incident was a police involved shooting. He continued, stating that he only found out that it was in officer involved shooting after he had left Metro Hospital when an EMS supervisor had mentioned it to him. HOUGH explained that everyone on that EMS unit who was working on RICE had no idea that this was an officer involved shooting until after the run had been completed.

When asked if anyone on the EMS unit had been advised of the age of the patient being transported to Metro Health Hospital; HOUGH replied that he did not find out his age until the very next morning. HOUGH stated that when he found out that he was 12 years of age he was "Shocked!" HOUGH stated that he would have guessed that he was between 16 and 17 years of age.

At this time HOUGH'S attention was then brought back to his arrival at the scene. HOUGH was asked if he could explain how the patient was lying upon his arrival at the scene; HOUGH stated that the patient was Lying under the gazebo, his head was facing south and there was very little blood because there was no exit wound. HOUGH stated that he did see a firearm or what appeared to be a firearm located a few feet from the patient when they went to place him on a stretcher.

HOUGH stated that he has responded to a lot of shootings but recalled a similar situation where a parent of a patient that he was driving to the hospital that had also rode in the front seat with him. HOUGH continued, stating that in that situation the mother acted completely different. He stated that the mother, in that instance the mother want to hold my hand and pray with her. This time Ms. RICE acted in an completely opposite manor.

For more information refer to the audio recorded interview contained within the file.

This matter to be further investigated.

Detective John Morgan #241

# CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-00004

DATE 05/12/2015

FROM Detective David Jacobs

TO Sergeant Eugene Sharpe

SUBJECT Review of Cudell Recreation Center surveillance cameras

COPIES TO File

The following review of surveillance video is in conjunction with the investigation of the Use of Deadly Force incident involving the Cleveland Police Department (CPD). The incident occurred at the Cudell Recreation Center (CRC), 1910 West Boulevard, Cleveland, Ohio on November 22<sup>nd</sup>, 2014 at approximately 3:30pm.

The DVD reviewed by the writer was provided to the Cuyahoga County Sheriff's Office via the Cuyahoga County Prosecutors' Office (CCPO.) The DVD contains approximately five (5) hours of surveillance video. The recording time for all cameras is 11:00am to 4:00pm. The date and time appears to be accurate, there are other factors that were evaluated to ensure the time on the video surveillance footage was and is deemed accurate. This includes witness statements, CPD Dispatch, and log in times captured by the CRC. The DVD also contains ten (10) separate camera views. The cameras listed below are numbered one thru ten and located on or about various locations at the CRC. Camera numbers are located in the upper left area of each view, for example (cam1.) The camera views may overlap coverage but are separate and function independently.

- Cam 1 - view of gazebo facing east, located on a utility pole (outside)
- Cam 2 - view of parking lot facing west, located on a utility pole (outside)
- Cam 3 - view east entrance, located on the CRC (outside)
- Cam 4 - partial view gazebo, parking lot facing south, located on the CRC (outside)
- Cam 5 - view of indoor basketball court facing south west (inside)
- Cam 6 - view of the second floor indoor hallway, facing west, located inside the CRC (inside)
- Cam 7 - view of the front desk, facing east, located inside the CRC (inside)
- Cam 8 - view of the gazebo located in the rear (west), facing north/west located on CRC (outside)
- Cam 9 - view of the parking lot, facing south/west, located on the CRC (outside)
- Cam 10 - view of the rear entrance (west) facing west (outside)

All of the cameras listed above are operated and maintained by the CRC. The DVR recording device is located in the CRC managers' office. The original DVR was obtained and entered into evidence. The DVR was submitted to the Ohio Attorney Generals' Office, Bureau of Criminal Investigation (BCI) for further examination. The DVR did not contain the original footage from November 22<sup>nd</sup>, 2104. The hard drive was overwritten. It was determined through further examination/investigation that the footage remains on the hard drive for approximately thirty (30) days before it is overwritten.

The following are associated with times and events indicated on the surveillance video. The camera views depict Tamir Rice, [REDACTED] Rice and others identified through further investigation and will be named or described depending on known or unknown identity, clothing description could be used otherwise.

CAMERA 1

- 11:04:49- [REDACTED] [REDACTED] [REDACTED] Rice and Tamir Rice walk north past gazebo #1 toward the CRC east entrance. Tamir puts something in [REDACTED] backpack. According to [REDACTED] Tamir was returning the "Colt target pistol, laser sight" herein referred to as "Replica Firearm" (RF) to [REDACTED] backpack. The three continue walking north toward the CRC.
- 11:05:26- Tamir, [REDACTED] and [REDACTED] exit view of camera 1.
- 13:03:52- Tamir holding RF, [REDACTED] and Unknown Male #1(UM) walking on sidewalk southbound. Tamir places RF to UM's head.
- 13:06:34- Tamir pointing RF at UM and [REDACTED] as they exit view of camera.
- 13:06:51- [REDACTED] walking southbound on sidewalk by herself.
- 13:41:24- [REDACTED] walking north on sidewalk by herself.
- 13:41:56- Tamir walking north on sidewalk (alone), no RF visible, appears to be eating something.
- 13:49:59- Tamir re-enters view, walks into gazebo (alone). He appears to have RF in hand. Tamir captured "ducking" down, crouch position near garbage can (gazebo #1.) Walks toward playground area.
- 13:55:44- Tamir (alone) reappears and is still in playground area, walks behind gazebo #1 in an east direction.
- 13:57:34- Tamir exits view of camera 1.
- 15:02:54- Tamir walks toward gazebo #1 with UM #2 ("plaid jacket").
- 15:03:10- Tamir and UM #2 walk into playground exits view of camera 1.
- 15:05:29- Tamir has RF out, walking with [REDACTED] [REDACTED] (juvenile), [REDACTED] [REDACTED] (juvenile) and UM #2 towards gazebo #1.
- 15:08:26- Tamir, UM #2, [REDACTED] and [REDACTED] leave the gazebo #1 and walk northwest toward camera 4.
- 15:11:52- [REDACTED] [REDACTED] (911 caller) enters the gazebo #1 from the south and sits at the eastern most table.
- 15:12:44- Tamir re-enters camera 1 view from the north and walks on the sidewalk in front of the gazebo #1.
- 15:13:09- Tamir removes RF from right waistband area and points the RF south. Tamir is on sidewalk.
- 15:17:08- Tamir still has RF in hand, re-enters from the south with [REDACTED] who was wearing a green jacket. [REDACTED] is walking on sidewalk northbound. Tamir and [REDACTED] appear to have a conversation. [REDACTED] is captured on Camera 8 at 14:49:05 talking/hugging with [REDACTED]
- 15:17:44- Tamir still has the RF in hand in front of gazebo #1 on the sidewalk. Tamir pointing the RF in all directions.

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15:17:50- Tamir puts the RF in his right waistband.

15:19:00- RF not visible, Tamir in front of gazebo #1 playing with snow exits view of camera 1.

15:20:59- Tamir exits view south.

15:25:49- [REDACTED] stands up in gazebo #1 and begins to walk north out of view of camera 1.

15:26:39- As [REDACTED] exits gazebo #1 north Tamir enters the gazebo from the south.

15:27:17- Tamir has the RF in hand and is pointing it south.

15:27:37- Tamir sits at the northeastern most picnic table inside the gazebo. Should be noted there are three (3) tables inside gazebo #1.

15:30:13- Tamir stands up and walks northwest toward the edge of the gazebo.

15:30:23- CPD marked unit 115A arrives, Tamir reaches in his right waistband. Patrolman Timothy Loehmann exits the passenger side, draws and appears to point his firearm in the direction of Tamir. Loehmann retreats backwards and stumbles and falls continuing to point his weapon in the direction of Tamir. Loehmann takes cover at the rear of his vehicle.

15:30:27- Patrolman Frank Garmback exits 115A drivers' side.

15:31:00- Garmback approaches Tamir and appears to kick something with his left foot in a westerly direction.

15:31:45- Garmback extends his arms toward [REDACTED] as she enters the camera from the north. This causes [REDACTED] to fall down.

15:31:49- Garmback takes [REDACTED] to the ground.

15:31:53- Loehmann assists with [REDACTED] as Garmback turns his attention to Tamir.

15:31:59- Patrolman William Cunningham enters the view from the north and assists Loehmann.

15:32:53- [REDACTED] and [REDACTED] enter the camera view from the northwest and walk around the backside of the gazebo #1.

15:32:53- Cunningham walks toward Tamir (out of view) on the ground.

15:33:10- [REDACTED] is being placed into the backseat of drivers' side of unit 115A, [REDACTED] pulls away from Loehmann.

15:34:05- Special Agent (SA) [REDACTED] and CPD Detective Daniel Lentz arrive on scene.

15:34:19- SA [REDACTED] gets gloves from Garmback and attends to Tamir.

15:35:17- Two (2) (CPD Officers Ken Zverina and Ricardo Roman) CPD uniform officers arrive.

15:37:01- Detective Lentz bends over in the area the magazine from the RF came to rest, as a one (1) man CPD unit arrives.

15:38:10- Cleveland Fire Department (CFD) arrives.



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- 15:40:56- CPD Officer Tom Griffin places a clear plastic bag over the RF.
- 15:41:22- Most of the Officers on scene are drawn to the southern direction or the right side of the camera view.
- 15:42:14- Cleveland Emergency Medical Services (EMS) arrives on scene, uniform Officers begin to deploy yellow crime scene tape in the immediate area.
- 15:42:31- CPD Sergeant Janell Rutherford has a conversation with Loehmann who is now seated in the front passenger seat of the one (1) man CPD unit. Detective Lentz has conversation with [REDACTED] who is still seated in the backseat of Unit 115A.
- 15:43:57- Tamir is leaving the gazebo #1 area on a stretcher.
- 15:46:06- SA [REDACTED] and Detective Lentz have another conversation with [REDACTED] (still in backseat of 115A.)
- 15:49:12- SA [REDACTED] and Detective Lentz have a third conversation with [REDACTED] (still in backseat of 115A.)
- 15:51:32- Several CPD Officers on scene point up at Camera 1.
- 15:54:11- Detective Lentz has another conversation with [REDACTED] (still in backseat of 115A)
- 16:00:00- Surveillance video ends.

### CAMERA 2

- 12:27:21- [REDACTED] (alone) walks from rear (west entrance) of the building walks along sidewalk/side of building east.
- 15:33:58- Special Agent [REDACTED] and Detective Daniel Lentz arrive.
- 15:34:56- CPD two (2) Officers (CPD Officers Ken Zverina and Ricardo Roman) marked unit arrives and parks facing east on the south side of the parking lot.
- 15:36:50- A second CPD (CPD Officer Lou Kitko) marked unit arrived lights activated.
- 15:37:19- CFD arrives along with a third marked CPD unit (Sergeant Janell Rutherford.)
- 15:41:19- CPD Unit/ Sergeant Janell Rutherford (fourth marked unit) arrives via West Boulevard entrance and parks on north side of parking lot. EMS arrives simultaneously.
- 15:47:12- CFD and EMS leave parking lot.
- 15:58:46- Special Agent [REDACTED] and Detective Daniel Lentz leave parking lot.
- 16:00:00- Surveillance video ends.

**CAMERA 3**

This particular camera was obstructed with ice. The camera gradually thaws throughout the day. There is very little discernible video. At 15:31:10 the writer does observe [REDACTED] run toward the gazebo with Patrolman Cunningham following. This camera also ends footage at 16:00:00 hrs.

**CAMERA 4**

- 11:04:50- [REDACTED] Tamir and [REDACTED] [REDACTED] walk toward the east entrance of the CRC on the sidewalk in front of gazebo #1.
- 12:27:46- [REDACTED] (alone) walks from the west end of the building heading east.
- 13:04:38- [REDACTED] enters the camera view, ties her shoe and exits the view.
- 13:05:36- [REDACTED] [REDACTED] Tamir and two (2) UM's enter the camera view from the north and walk along the sidewalk. Tamir has the pellet gun in his hand.
- 13:41:23- [REDACTED] walks on the sidewalk toward the east entrance of CRC.
- 13:41:50- Tamir walks from the south on sidewalk toward the east entrance of CRC.
- 13:50:00- Tamir enters camera view from the north "ducks" down by garbage can located near gazebo #1.
- 15:02:44- Tamir and UM #2 enter the camera view and walk to gazebo #1.
- 15:05:00- Tamir, [REDACTED] [REDACTED] and UM #2 are in gazebo #1 until 15:08:00.
- 15:09:01- Tamir, UM #2, [REDACTED] and [REDACTED] walk toward the west. The four are met by [REDACTED] [REDACTED] and UM #3. Tamir is seen point the RF at [REDACTED] and UM #3 as he approaches them. Tamir hands the RF to [REDACTED] who in turn points the RF in the opposite direction. [REDACTED] then gives the RF back to Tamir and the group disperses.
- 15:11:31- [REDACTED] [REDACTED] arrives in gazebo #1.
- 15:12:36- Tamir walks on sidewalk in front of gazebo #1 (alone.)
- 15:14:38- Tamir (alone) in playground area.
- 15:16:00- Tamir (RF in hand) has a conversation with [REDACTED] as they walk on the sidewalk northbound. [REDACTED] continues to walk as Tamir maintains his position in front of gazebo #1.
- 15:23:00- Tamir in playground area.
- 15:26:37- [REDACTED] leaves gazebo #1, Tamir enters gazebo #1 from the playground.

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- 15:30:02- Headlights appear from the south (West 99<sup>th</sup> Street off of Madison Avenue), CPD marked unit 115A driving on the grass and sidewalk with CPD Officers Timothy Loehmann and Frank Garmback.
- 15:30:21- CPD marked unit 115A parks in front (west) of gazebo #1.
- 15:31:45- [REDACTED] is running toward gazebo #1.
- 15:32:28- [REDACTED] and [REDACTED] appear from the west and walk around gazebo #1.
- 15:34:01- SA [REDACTED] and CPD Detective Daniel Lentz arrive and park facing north and the eastern Most portion of the parking lot.
- 15:35:00- CPD marked unit (two man unit) CPD Officers Zverina and Roman arrived and parked facing east on the south side of the parking lot.
- 15:36:54- CPD marked unit (one man unit) CPD Officer Lou Kitko arrived and parked facing east.
- 15:37:31- CFD arrives.
- 15:37:16- CPD marked unit (one man unit) CPD Officer Tom Griffin arrived and parked directly behind first two man unit belonging to CPD Officers Zverina and Roman.
- 15:38:23- CPD marked unit arrives from the same direction and path (West 99<sup>th</sup> Street off Madison Avenue) that 115A had entered. This CPD marked unit parks between the playground and gazebo #1. CPD Officers Chuck Judd and Brian Taylor.
- 15:41:32- EMS arrives from the West Boulevard entrance and parks on the south side of the parking lot. CPD marked unit (Sergeant Rutherford) arrives from the West Boulevard entrance and parks on the north side of the parking lot.
- 15:46:16- CFD and EMS leave parking lot using the north exit toward West Boulevard.
- 16:00:00- Surveillance video ends.

### CAMERA 5

This camera is located in the basketball gym as previously indicated. This camera records intermittent basketball practices with varying age groups throughout the day. [REDACTED] is captured briefly walking inside the gym but not for prolonged periods. The use of deadly force incident took place at approximately 15:30:20 hrs. It does not appear persons in the gym are aware and or react to what had just happened outside. This camera ends footage at 16:00 hrs.

### CAMERA 6

As stated earlier this camera is located inside the CRC on the second floor. This particular camera does not capture Tamir or [REDACTED] Rice. There are two small children jumping rope in the hallway for short period. There are also two (2) UM's depicted walking past the camera. This camera ends footage at 16:00 hrs.

**CAMERA 7**

11:06:00- Tamir, [REDACTED] and [REDACTED] enter the CRC they appear to sign in.

12:19:54- [REDACTED] enters the view of the camera and walks in the gym.

12:20:22- Tamir enters the gym.

12:21:00- [REDACTED] Tamir and [REDACTED] on camera.

12:21:53- [REDACTED] Tamir and [REDACTED] exit CRC.

12:29:48- [REDACTED] re-enters the CRC.

12:30:10- Tamir, [REDACTED] and UM #1 re-enter the CRC.

12:30:22- [REDACTED] is holding what appears to be a white cellular phone.

12:30:30- [REDACTED] in gym with [REDACTED]

12:32:00- [REDACTED] near front desk area.

13:03:36- Tamir, [REDACTED] and [REDACTED] and two unknown juveniles leave the CRC.

13:42:14- [REDACTED] enters the CRC alone.

13:42:49- Tamir re-enters the CRC eating something from a small bag.

13:44:30- Tamir and [REDACTED] enter the gym.

13:44:57- [REDACTED] exits the gym.

13:47:16- Tamir exits the CRC alone.

13:59:00- [REDACTED] and Tamir meet in the doorway and both re-enter.

14:01:01- [REDACTED] in the gym.

14:05:22- Tamir exits the CRC with several people.

14:07:50- Tamir along with four (4) others re-enter the CRC east entrance.

14:12:00- Tamir outside the CRC alone.

14:14:16- Unknown person leaves to talk to Tamir outside the east entrance.

14:15:02- [REDACTED] leaves the CRC.

14:15:02- Tamir pulls the RF outside on [REDACTED] and a small child enters the CRC east entrance.

14:16:40- [REDACTED] re-enters the CRC east entrance.

14:33:07- [REDACTED] in the gym.

14:46:49- [REDACTED] enters the CRC east entrance and does not punch a code.

14:48:34- Tamir in gym and then leaves the CRC (east exit) alone.

14:52:38- [REDACTED] and Tamir meet in the doorway both re-enter the CRC east entrance.

14:53:02- Tamir in the gym.

15:00:23- Tamir exits the CRC east entrance.

15:06:00- [REDACTED] in the gym and looks out the east entrance.

15:08:44- [REDACTED] looks outside the east entrance doors.

15:10:19- [REDACTED] and [REDACTED] enter the CRC.

15:11:20- UM #2 runs toward the east entrance and enters the CRC.

15:19:53- [REDACTED] looks out the east entrance doors.

15:20:16- [REDACTED] returns.

15:21:38- [REDACTED] at front desk counter.

15:26:33- Mailman enters the CRC.

15:28:50- Mailman exits the CRC.

15:30:49- Five (5) unknown male juveniles look out the east doors and one of the male juveniles appears to tell CPD Officer Cunningham what he observed.

15:31:25- [REDACTED] walks toward the east exit doors and runs toward gazebo #1.

15:31:40- CPD Officer Cunningham exits the CRC and heads toward gazebo #1.

16:00:00- Surveillance video ends.

**CAMERA 8**

12:26:05- [REDACTED] leaves west entrance and walks along building.

12:29:15- UM #4 (yellow jacket, possibly [REDACTED]) exit west exit.

12:29:29- [REDACTED] exits west exit.

14:49:05- [REDACTED] and [REDACTED] hug.

14:50:03- [REDACTED] re-enters the west entrance.

15:06:58- CRC employee Jessica Ortiz leaves CRC for lunch.

15:08:01- [REDACTED] [REDACTED] and UM #3 (fur coat) appear and walk south.

15:22:00- [REDACTED] and [REDACTED] walk west bound.

15:25:20- [REDACTED] and [REDACTED] re-enter CRC west entrance.

15:29:08- [REDACTED] and [REDACTED] exit west entrance.

15:30:26- [REDACTED] and UM #4 (yellow jacket) and two other males re-enter the CRC in a hurry (running.)

15:31:52- [REDACTED] and [REDACTED] run south then east along the building toward the gazebo.

16:00:00- Surveillance video ends.

**CAMERA 9**

12:27:21- [REDACTED] appears on camera briefly and then disappears.

15:07:26- CRC employee Jessica Ortiz leaves CRC for lunch.

15:08:28- [REDACTED] [REDACTED] and UM #3 (fur coat) appear and walk along sidewalk.

15:32:14- [REDACTED] and [REDACTED] appear walking on the sidewalk and begin to run toward the gazebo.

15:33:58- SA [REDACTED] and Detective Daniel Lentz arrive in the parking lot via the West Boulevard entrance.

15:34:54- CPD marked unit arrives, Officers Ken Zverina and Ricardo Roman (no overhead lights), two (2) man unit.

15:36:46- CPD marked unit arrives, CPD Officer Lou Kitko, 1C21 (overhead lights activated.)

15:37:18- CFD arrives from the West Boulevard entrance.

15:39:10- CPD marked unit arrives, CPD Officer Tom Griffin (overhead lights activated.)

15:41:17- EMS arrives at the same time CPD marked unit (Sergeant Rutherford.)

15:43:09- Officers on scene draw their attention to the south to include several Officers walk in that direction.

15:47:15- CFD leaves CRC property.

15:47:27- EMS leaves property.

15:53:47- CPD marked unit arrives, CPD Officer Bob Sweaney, 1B27.

15:58:48- SA [REDACTED] and Detective Lentz appear to leave property.

16:00:00- Surveillance video ends.

**CAMERA 10**

12:27:03- [REDACTED] exits CRC (west) and walks south along building.

14:49:06- [REDACTED] and [REDACTED] (green jacket) appear to have a brief conversation, [REDACTED] and [REDACTED] hug, [REDACTED] leaves.

14:50:00- [REDACTED] re-enters west entrance alone.

15:22:02- [REDACTED] and [REDACTED] walk out west exit and continue to walk west.

15:24:57- [REDACTED] and [REDACTED] re-enter camera view from the west.

15:29:10- [REDACTED] and [REDACTED] exit CRC west exit with UM #4 (yellow jacket, possibly [REDACTED].)

15:30:13- [REDACTED] appears on camera briefly.

15:30:25- Two (2) UM's exit the west exit and sit at picnic table.

15:30:25- Two (2) UM's run back in building in a hurry one (1) UM loses his shoe.

15:31:51- [REDACTED] and [REDACTED] run southwest toward gazebo #1.

16:00:00- Surveillance video ends.

# CUYAHOGA COUNTY SHERIFF'S OFFICE

The following are brief descriptions of person(s) and locations depicted throughout this summary, some of which have been interviewed and or positively identified. The unknown person(s) will be identified as unknown males or unknown females.

Tamir Rice-juvenile (gray jacket with black sleeves, camouflage hat)

[REDACTED] - juvenile (gray jacket possibly jeans)

[REDACTED] juvenile (w/m, all black clothing)

[REDACTED] juvenile (w/m, red knit hat)

[REDACTED] juvenile (b/m, gray clothing with backpack)

UM #1- appears to be a juvenile, (b/m, blue knit hat, black jacket)

UM #2- appears to a juvenile (b/m, plaid jacket)

UM #3- Possibly [REDACTED] "last name unknown" (LNU) (fur coat)

UM #4- Possibly [REDACTED] (b/m, yellow jacket)

[REDACTED] (green jacket) interacts with [REDACTED] and Tamir at two separate times and locations.  
[REDACTED] 911 caller.

Jessica Ortiz- CRC employee.

CPD Officer Ken Zverina 1A26 two man unit

CPD Officer Ricardo Roman 1A26 two man unit

CPD Officer Lou Kitko 1C21 one man unit

CPD Officer Tom Griffin 1C24 one man unit

CPD Officer Chuck Judd 1D26 two man unit

CPD Officer Brian Taylor 1D26 two man unit

CPD Officer William Cunningham (working in an "off duty" capacity at the CRC)

CPD Officer Timothy Loehmann, passenger, 1A25 (first CPD unit to arrive) car 115A

CPD Officer Frank Garmback, driver, 1A25 (first CPD unit to arrive) car 115A

CPD Detective Daniel Lentz

Special Agent [REDACTED] Cleveland Federal Bureau of Investigation (FBI)

CPD Sergeant Janell Rutherford, 1S23

Gazebo #1- Located at the edge of the parking near the playground where incident took place.

Gazebo #2- Located near the west entrance.

Respectfully Submitted,

---

Detective David Jacobs



# CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-00004

DATE 05/14/2015

FROM Detective David Jacobs

TO Sergeant Eugene Sharpe

SUBJECT Interview of Constance Hollinger

COPIES TO File

Constance HOLLINGER, City of Cleveland, dispatcher, date of birth [REDACTED] was advised of the identity of the interviewing Detectives (Jacobs/Morgan) and the purpose of the interview. HOLLINGER thereafter provided the following information regarding her involvement in the Cleveland Police Department Use of Deadly Force incident which took place at the Cudell Recreation Center (CRC), 1910 West Boulevard, Cleveland, Ohio on November 22<sup>nd</sup>, 2014 at approximately 3:30pm.

Present during the interview, HOLLINGER, two (2) union representatives, and a union attorney. Prior to the interview starting, the union attorney read aloud and email correspondence from the Cuyahoga County Prosecutors Office indicating HOLLINGER is not a target of criminal prosecution in this matter.

HOLLINGER has been a Cleveland Police dispatcher for approximately nineteen (19) years and works at 2100 Payne Avenue, Cleveland, Ohio. Both call takers and dispatchers are located on the same floor. HOLLINGER discussed basic duties as a call taker versus dispatcher. There are distinct differences in duties. HOLLINGER was assigned as a call taker on November 22<sup>nd</sup>, 2014. There are a minimum of eight (8) call takers per shift for the entire City of Cleveland. Call takers cover all five (5) districts and the shifts are eight (8) hours in length. Although the call numbers vary shift to shift and day to day, there are anywhere from thirty (30) to fifty (50) per eight (8) hour shift. Call takers handle "911", "1234" (non-emergency) Fire and EMS calls.

According to HOLLINGER, as calls come in it is her responsibility to get pertinent information; name, address, location, and reason for the call. HOLLINGER did indicate that all calls are not the same. HOLLINGER will "code" the call and send it electronically to the district which handles that particular area. There were further discussions about the process which includes handling calls that come in from the Cuyahoga County Emergency Communications System (CECOMS.)

HOLLINGER was asked to identify dispatch logs and explain such. HOLLINGER was unfamiliar with the logs. The logs were explained by the union representative present.

The audio for the "911" call was played and HOLLINGER identified her voice on the call. HOLLINGER did remember the call for a person with a gun at the CRC. We also played the radio transmission of Dispatcher Beth Mandl requesting any available cars to handle the call HOLLINGER took for the CRC. According to HOLLINGER, once Dispatcher Mandl has the call she will maintain the call until it is finished. HOLLINGER did remember having a brief conversation with Mandl after she learned the Officers on scene had requested EMS.

HOLLINGER refused (per her attorney) to answer a question about why she did not relay information from the "911" caller about the person with the gun is "*probably fake*" and "*probably a juvenile*." The "911" caller also stated "*I don't know if it's real or not.*" HOLLINGER once again (per her attorney) refused to answer those questions.

Respectfully Submitted,

Detective David Jacobs

CUYAHOGA COUNTY SHERIFF'S OFFICE

013-99

FILE NO. 15-00004

DATE 05/15/2015

FROM Detective John Morgan #241

TO Sergeant Sharpe

SUBJECT Synopsis of interview with [REDACTED] [REDACTED]

COPIES TO Lt. Smith, File

On May 14, 2015 while assigned to the Cuyahoga County Sheriff's Detective Bureau and in company with Detective David Jacobs were given an assignment by Sergeant Eugene Sharpe to conduct a follow up investigation into a Cleveland Police Use of Deadly Force incident which occurred on November 22, 2014. The following is result of that investigation.

On this date investigators had the occasion to interview [REDACTED] [REDACTED] a female who was believed to have been seen on the video from Cudell Recreation Center walking with Tamir RICE in front of the gazebo prior to the officer involved shooting. The following is a synopsis of the video recorded interview which took place at the Cuyahoga County Sheriff's Detective Bureau.

[REDACTED] DOB [REDACTED] ADDRESS [REDACTED] CLEVELAND, OHIO  
MOBILE TX: [REDACTED] TX: [REDACTED]

[REDACTED] stated that she is currently a student at James Rhodes High School and is due to graduate from high school this year. She stated that she currently lives with her boyfriend at the above listed address and supports herself.

[REDACTED] stated that she cannot remember the name of the person who was shot and killed by police at the Cudell Recreation Center but that she used to teach arts and crafts to him every day at the building located behind the recreation center. When investigators mentioned the name of TAMIR RICE, [REDACTED] replied, "YES...that's his name!"

[REDACTED] stated that she taught arts and crafts to RICE every day for senior credits at the Cudell Recreation Center. She stated that she had told her friends that she knew the boy that got shot at the recreation center but they didn't believe her. She explained that RICE was a prankster or a jokester during class and that sometime he would go a little too far with his jokes.

[REDACTED] stated that RICE had a girlfriend who used to hang out with him at the recreation center. [REDACTED] was unable to recall the name of his girlfriend only that she used to wear her hair in a ponytail. She stated that she did not know any other family members, had never been to his house, but did hear from someone that he had an older brother.

[REDACTED] recalled that on the day that RICE was shot, she was walking from CVS and saw RICE sitting on the swings near the recreation center. She stated that she walked over toward RICE and noticed that he appeared to be playing with a gun which was on his lap. She stated that RICE explained to her that the gun was not a real gun and that he proceeded to show her how it worked he also pulled out many Green "Balls" from his pocket that went into the gun. [REDACTED] stated that when he showed her the gun she recalled the gun having an orange tip attached to the long end of it. Further, [REDACTED] recalled that RICE told her that he had received the gun from a friend.

## CUYAHOGA COUNTY SHERIFF'S OFFICE

At this time Detective Jacobs began to show [REDACTED] several different camera views from the Cudell Recreation Center from November 22, 2014.

The first camera view shown to [REDACTED] was of the camera located inside of the recreation center which showed the sign in desk and the entrance to the center (East entrance). [REDACTED] was clearly able to identify herself walking into the recreation center on video. She stated that she had forgotten that she had walked into the recreation center that day. [REDACTED] continued, explaining that she wasn't feeling well that day and had come to the recreation center in an attempt to obtain a free lunch. [REDACTED] while watching the video pointed out RICE as he walked by the camera and stated, "That's his hat...that's RICE, he always wore that hat."

The next camera angle shown was from the camera in the rear of the building (West entrance). This angle clearly showed [REDACTED] exiting the building and engaged in conversation with a female known to investigators as [REDACTED] RICE, (TAMIR'S Sister) however [REDACTED] informed investigators that the female she was talking to was actually TAMIR'S girlfriend whose name she did not know. [REDACTED] stated that she was talking to TAMIR'S girlfriend and during that conversation [REDACTED] was informed, by this girl, that she was getting ready to move to another state.

[REDACTED] stated that at the end of that conversation she headed to the arts and crafts building and then proceeded to go to the CVS drug store. Detective Jacobs showed her several more camera angles which tracked her movements from the recreation center to CVS. Then [REDACTED] was shown the video camera angle which captured the Gazebo. This portion of the video clearly showed [REDACTED] and TAMIR RICE walking in front of the gazebo and engaged in some sort of a conversation.

As previously stated, [REDACTED] told investigators that she talked with RICE at the swing set, he then walked her to the bridge which was on her way home. [REDACTED] confirmed that during the conversation she and RICE were talking about his girlfriend moving out of town and that they could possibly have a long distance relationship. [REDACTED] also recalled that RICE had also talked about moving out of town.

Investigators pointed out in the video that RICE had the BB gun clearly out and in plain site during their conversation. While watching the video [REDACTED] could clearly see that RICE was holding the BB gun but did not recall, from her memory, that he was holding a BB gun during that portion of their conversation.

Further, investigators showed [REDACTED] the same scene but from a different angle. This angle was from a camera located on the south side of the recreation center. This camera angle showed that RICE clearly walked over to [REDACTED] and met her at the sidewalk and only walked with her for a short distance before she, alone, walked out the cameras view. Further, this camera view showed that [REDACTED] did not have a conversation with RICE at the swings and that he never walked her to the bridge as stated earlier by [REDACTED]

[REDACTED] was then informed that the female that she had conversation with in the rear of the recreation center was not RICE'S girlfriend, but was actually RICE'S sister. [REDACTED] was surprised and stated that it was a mistake on her part and that she believed that it was his girlfriend because of the way that she had her hair. Further, she stated that the video was so grainy that she honestly believed that the girl she was looking at was RICE girlfriend and not his sister.

[REDACTED] stated that she knew RICE'S sister, she didn't know her name but they only referred to each other as "BOO." [REDACTED] was aware that RICE'S sister was older than RICE and that they (RICE and [REDACTED]) never told them that they were brother and sister.

For more detailed information refer to the Video recorded interview located in the file.  
This matter to be further investigated.

Detective John Morgan #241

## CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-00004

DATE 5/15/15

FROM James Mackey, Detective

TO Sgt. Sharpe

SUBJECT Officer Interview Request

COPIES TO File

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Regarding the above captioned case, on Friday March 13, 2015 I contacted CPPA Union President Steve Loomis to request an interview with the following Cleveland Police Officers:

- Detective Dan Lentz
- Patrolman Lou Kitko
- Patrolman Tom Griffin
- Patrolman Ricardo Roman
- Patrolman Ken Zverina
- Patrolman Frank Garmback
- Patrolman Timothy Loehmann

I requested that if the officers wish to speak to us in this matter that the interviews be completed by Saturday May 23, 2015. With that request, I also am sensitive to the heightened posture of the Cleveland Police Department with regards to a possible verdict being rendered in another unrelated case.

I informed Loomis that I will contact him the afternoon of Tuesday May 19, 2015 for follow up.

//////S/////

James Mackey, Detective

# CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-0004

DATE 05/16/2015

FROM Homer Allen

TO Sgt. Eugene Sharpe

SUBJECT Aaron Nicholson Interview

COPIES TO Lt. Smith and File

Sir,

On Wednesday May 1st, 2015 at 12:00pm while assigned to the Cuyahoga County Sheriff's Detective Bureau Detective Dave Jacobs and I conducted an interview with EMT Aaron Nicholson. This was in reference to a Cleveland Police Use of Deadly Force incident which occurred on November 22, 2014. The following is a result of that interview.

EMT Aaron Nicholson has been employed by the City of Cleveland for 4 years; he previously worked for Life Care Ambulance Services out of Lorain Ohio for 4 years. He received 3 months of classroom training, followed by 3 months of road training. On November 22, 2014 he was assigned to Medic 30 based out of a Firehouse located at E. 102<sup>nd</sup> and St. Clair Ave. there are 18 squads in the city. The following is a summary of recorded interview conducted at 5055 Rockside Road in Independence Ohio:

- Received call via CAD/ MDT (Mobile Dispatch Terminal) or "Silent Call" and also thru Radio
- They just dropped off a patient at Lakewood Hospital and was on I-90 EB when call was received
- Upon arrival observed 2-3 police cars, caution tape "*which he thought was unusual*", and fire personnel and equipment on the other side of a police car
- Patients eyes were open and blinking but he was unresponsive, didn't make any noise or statement
- Call was for a 22 year old male with GSW, to him patient appeared to be mid-teens
- He located 1 GSW to patients upper abdomen and part of ingesting was coming out of wound
- He didn't located a 2<sup>nd</sup> GSW
- Nicholson states its common for a fireman to drive the squad to the hospital, while he and his partner tend to a patient. He doesn't recall which fireman drove them on that day
- He remembers the mother riding up front and yelling so he called for security to meet them upon arrival, so the mom would not interfere with patient care. She did not interfere, but was crying, yelling and mad
- He didn't recall seeing anything near patients body, nor did he hear any of the officers talk about items or make any statements about what happened
- He didn't talk to the police, but one guy "he thinks" was with the police, his main focus was patient care, and this guy gave him a quick report. He has never seen him before

Upon going into the hospital and being met by the Trauma Team, patient care was transferred into Trauma Room 1 in the ER. The Trauma Team did a quick assessment and he was taken up to the operating room "OR" within 2-3 minutes. Nicholson remained at the hospital for around an hour, to restock equipment, clean up and for documentation. Towards the end of the hour, one of their Captains mentioned that a Police Officer might have shot him. He didn't know that a police officer shot him until this point. He states "*he believes they did everything they could for the patient*".

Please refer to DVD copy of this interview for additional clarification and needs.

Submitted for your review,

Homer Allen #225

## CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-04 (Tamir Rice)

DATE 5/19/15

FROM James Mackey, Detective

TO Sgt. Sharpe

SUBJECT Video Submission

COPIES TO File

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In reference to the above captioned case, on Monday May 18, 2015 Detective Jacobs and I submitted the security surveillance video of Cudell Recreation Center obtained in this case to the Ohio Attorney General, Organized Crime Commission. We met with Forensic Video Analysts Bradley Barkhurst, Megan Timlin and Jeff Brennard requesting that attempts be made to enhance the video during Tamir Rice's interaction with police. We also requested the production of an edited version of the ten (10) cameras that track the movements of Tamir Rice throughout the duration of the video.

The enhancement of the video may provide evidentiary value to the investigative team while the editing requested to keep Tamir Rice in the viewer's frame is not intended to provide evidentiary value but more so an ease of use, alleviating the need to switch between ten (10) different cameras.

The original video obtained in this investigation is still maintained by the Cuyahoga County Sheriff's Office. The video supplied to the Attorney General's Office is a copy and it should be noted that the integrity of the video is not being altered with these requests.

//////S//////

James Mackey, Detective

CUYAHOGA COUNTY SHERIFF'S OFFICE

013-33

FILE NO. 15-00004

DATE 05/19/2015

FROM Detective David Jacobs

TO Sergeant Eugene Sharpe

SUBJECT Video compilation/enhancement

COPIES TO File

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The following was in conjunction with the investigation of the Cleveland Police Department (CPD) Use of Deadly Force incident which took place at the Cudell Recreation Center (CRC), 1910 West Boulevard, Cleveland, Ohio on November 22<sup>nd</sup>, 2014 at approximately 3:30pm.

Detectives James Mackey and David Jacobs met with the Ohio Attorney General's Office Forensic Audio/Video Analysts' Bradley Barkhurst and Megan Timlin on May 18<sup>th</sup>, 2015. The purpose of the meeting was to request their technical assistance with constructing a video compilation of all ten (10) surveillance cameras from the CRC. In doing this, we also requested their assistance in enhancing the video. A copy of the DVD and the timeline report was also given to the aforementioned analysts. Barkhurst and Timlin agreed to assist and will advise when complete.

Respectfully Submitted,

Detective David Jacobs



## CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-04 (Tamir Rice)

DATE 5/20/15

FROM James Mackey, Detective

TO Sgt. Sharpe

SUBJECT Officer Interview Request Update

COPIES TO File

On Friday March 13, 2015 I request an interview with the following Cleveland Police Officers through CPPA President Steve Loomis:

- Detective Dan Lentz
- Patrolman Lou Kitko
- Patrolman Tom Griffin
- Patrolman Ricardo Roman
- Patrolman Ken Zverina
- Patrolman Frank Garmback
- Patrolman Timothy Loehmann

On Tuesday May 19, 2015 I followed up by phone with Loomis as well as Council for CPPA, Brian Moriarty. I was advised that Officer Garmback and Officer Loehmann will maintain their Constitutional Rights and not provide investigators in this case with a statement. I was advised that the other five (5) officers request a letter similar to the one obtained by the CPPA through the Prosecutors Office for the dispatchers and Officer Cunningham before giving any statement to us in this matter.

On Wednesday May 20, 2015 I spoke with Assistant County Prosecutor Matt Meyer relaying the request of CPPA for the five (5) officers. APA Meyer advised me that he is unwilling to offer the remaining officers any letters, stating that they are not facing any criminal charges and precedent will not be set in giving letters of immunity (or the like) to officers for doing their job.

After speaking with APA Meyer I had a phone conversation with CPPA Attorney Moriarty. Before I was able to inform him of APA Meyer's decision he informed me that his clients (Lentz, Kitko, Griffin, Roman, and Zverina) will be willing to come in for an interview pending a final conversation with his clients prior to appearing.

I will follow up with Attorney Moriarty on Thursday May 21, 2015 in scheduling the potential interviews.

//////S//////

James Mackey, Detective

# CUYAHOGA COUNTY SHERIFF'S OFFICE

013-09

FILE NO. 15-00004

DATE 05/21/2015

FROM Detective David Jacobs

TO Sergeant Eugene Sharpe

SUBJECT Second meeting with the Cuyahoga County  
Medical Examiners Office (CCMEO)

COPIES TO File

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The following investigation is in conjunction with the investigation of the Cleveland Police Department (CPD), Use of Deadly Force incident which took place at the Cudell Recreation Center (CRC) on November 22<sup>nd</sup>, 2014 at approximately 3:30pm involving Tamir Rice (decedent.)

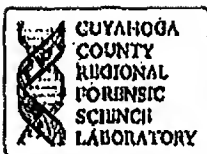
A meeting took place at the CCMEO on May 21<sup>st</sup>, 2015, at approximately 10:00am. This marks the second occasion to meet with Trace Evidence Supervisor Curtiss Jones, a representative from the photography lab (CCMEO) and the Cuyahoga County Medical Examiner Dr. Thomas Gilson. Also present representing the Cuyahoga County Sheriff's Office (CCSO), Sergeant David Lisy, Detective Homer Allen, Detective John Morgan and the writer.

The meeting was a follow up to discuss trace evidence (i.e. clothing) with respect to bullet defects on clothing which was being worn at the time of the aforementioned incident. The CCMEO agreed to provide the CCSO with an exhibit which will depict Tamir Rice's body (drawing) to include actual photographs of the clothing worn by Rice at the time of the incident. We anticipate the exhibit to indicate the single bullet wound to Rice with the actual photograph of the clothing worn at the time of the incident. We also anticipate the clothing photographs to be superimposed next the generic drawing of Tamir Rice. Both of which will indicate an approximate location of the bullet defect to include the bullet wound itself.

The CCMEO said the exhibit will take a few weeks to complete at which time they will contact the investigators.

Respectfully Submitted,

Detective David Jacobs



**Cuyahoga County Regional Forensic Science Laboratory**  
11001 Cedar Avenue, Cleveland OH 44106

**TRACE EVIDENCE LABORATORY EXAMINATION REPORT**

Report Date:	2/5/2015	Victim's Name:	Tamir Rice
CCRFSL Case #:	2014-006817	Agency Case #:	2014-368418
CCMEO Case #:	IN2014-01991	Submitting Agency:	Cleveland Police Department
Pathologist:	Dr. Gilson		Homicide Unit
Contact person:	Detective Diaz	Address:	1300 Ontario Street
			Cleveland, Ohio 44113

The body of Tamir Rice was received nude at the Cuyahoga County Medical Examiner's Office on 11/23/2014.

**Item:                      Description:**

The following items were collected by the Trace Evidence Department on 11/24/2014.

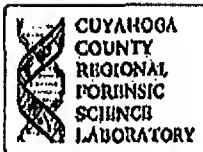
- Item 1            Gunshot residue samples from the hands of Tamir Rice.
- Item 2            One swab from under the fingernails of the right hand of Tamir Rice.
- Item 3            One swab from under the fingernails of the left hand of Tamir Rice.
- Item 4            A trace metal detection test was performed on both hands of Tamir Rice.

The following samples of Tamir Rice were submitted by Dr. Gilson to the Cuyahoga County Regional Forensic Science Laboratory on 11/24/2014.

- Item 5            Buccal swabs.
- Item 6            Reference scalp hair.
- Item 7            Reference pubic hair.

The following items were submitted by Detective Cruz, Cleveland Police Department, Homicide Unit and received by Diann Nunnally, Cuyahoga County Regional Forensic Science Laboratory on 12/2/2014.

- Item 8            One sample labeled "two swabs from a cell phone at the crime scene".
- Item 9            One sample labeled "eight swabs from a Colt 1911 style pellet gun".
- Item 10           One gray with black trim "PJ Mark" jacket labeled "owner Tamir Rice".
- Item 11           One black "Kicken' Back Jack" T-shirt and one white "Hanes" T-shirt labeled "owner Tamir Rice".



**Cuyahoga County Regional Forensic Science Laboratory**  
11001 Cedar Avenue, Cleveland OH 44106

**TRACE EVIDENCE LABORATORY EXAMINATION REPORT**

Report Date:	2/5/2015	Victim's Name:	Tamir Rice
CCRFSL Case #:	2014-006817	Agency Case #:	2014-368418
CCMEO Case #:	IN2014-01991	Submitting Agency:	Cleveland Police Department
Pathologist:	Dr. Gilson		Homicide Unit
Contact person:	Detective Diaz	Address:	1300 Ontario Street
			Cleveland, Ohio 44113

- Item 12 One pair of gray "Rok" jeans labeled "owner Tamir Rice".
- Item 13 One gray hooded "Destruction" long sleeve thermal shirt labeled "owner Tamir Rice".
- Item 14 One camouflage "Z" winter hat labeled "owner Tamir Rice".
- Item 15 One blue with white trim "Viado" left shoe labeled "owner Tamir Rice".
- Item 16 One blue with white trim "Viado" right shoe labeled "owner Tamir Rice".
- Item 17 One brown "Fossil" belt labeled "owner Tamir Rice".
- Item 18 One pair of blue "Hanes" underwear labeled "owner Tamir Rice".
- Item 19 One pair of white with gray trim ankle length socks labeled "owner Tamir Rice".

The following item was produced by the Trace Evidence Department on 12/17/2014.

- Item 20 Test fire targets.

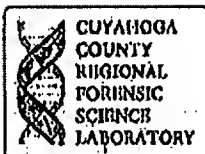
**Results and Conclusions:**

- Item 1 No testing was performed.
- Item 4 No reaction was observed on either hand.

No reaction from a trace metal detection test is indicative of no contact between the tested surface and metal. However, circumstances such as the condition of the contacted metal, the condition of the tested surface, and/or the absence of metal surfaces on the handled item could result in no reaction being observed even though contact between the tested surface and the handled item occurred. Some individuals will not react to the trace metal detection test even if known to have had contact with a metal object.

Trace Evidence Laboratory Examination Report  
Date of Distribution 2/6/2015

Analyst's Initials Cur  
Reviewer's Initials JK



**Cuyahoga County Regional Forensic Science Laboratory**  
11001 Cedar Avenue, Cleveland OH 44106

**TRACE EVIDENCE LABORATORY EXAMINATION REPORT**

Report Date:	2/5/2015	Victim's Name:	Tamir Rice
CCRFSL Case #:	2014-006817	Agency Case #:	2014-368418
CCMEO Case #:	IN2014-01991	Submitting Agency:	Cleveland Police Department
Pathologist:	Dr. Gilson		Homicide Unit
Contact person:	Detective Diaz	Address:	1300 Ontario Street Cleveland, Ohio 44113

Item 6 No testing was performed.

Item 7 No testing was performed.

Item 10 Presumptive testing indicates the presence of blood on the anterior of the gray with black trim jacket. No confirmatory testing was performed.

No blood was detected on the left sleeve of the gray with black trim jacket.

No bloodstains were observed on the posterior of the gray with black trim jacket.

Apparent vomit was observed on the upper left anterior and posterior of the gray with black trim jacket.

Defect A entrance (3/16 inch diameter) located 18 inches below the left mid-shoulder point and 3 3/4 inches left of the anterior mid-body line.

No fouling was observed visually. No powder grains were observed visually or with stereomicroscopy. No wipe-off rim was observed visually.

A grless test was performed on defect A entrance and one possible nitrite was detected.

Based upon the test firing of the "Glock" model 17 9mm semi-automatic pistol, serial number: FTX169, the approximate muzzle to target distance for defect A entrance is 5 feet or greater.

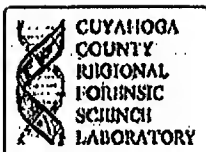
Item 11

11.1 One black "Kicken' Back Jack" T-shirt. Apparent blood was observed on the anterior of the black T-shirt. No testing was performed on the apparent blood.

Defect A2 entrance corresponds with defect A entrance on item 10.

Trace Evidence Laboratory Examination Report  
Date of Distribution 2/6/2015

Analyst's Initials cr  
Reviewer's Initials R



**Cuyahoga County Regional Forensic Science Laboratory**  
11001 Cedar Avenue, Cleveland OH 44106

**TRACE EVIDENCE LABORATORY EXAMINATION REPORT**

Report Date:	2/5/2015	Victim's Name:	Tamir Rice
CCRFSL Case #:	2014-006817	Agency Case #:	2014-368418
CCMEO Case #:	IN2014-01991	Submitting Agency:	Cleveland Police Department
Pathologist:	Dr. Gilson		Homicide Unit
Contact person:	Detective Diaz	Address:	1300 Ontario Street Cleveland, Ohio 44113

Item 11 Continued:

11.2 One white "Hanes" T-shirt. Apparent blood was observed on the anterior of the white T-shirt. No testing was performed on the apparent blood.

Apparent vomit was observed on the interior of the upper left anterior of the white T-shirt.

Defect A<sub>3</sub> entrance corresponds with defect A entrance on Item 10.

Item 12 No bloodstains were observed on the pair of gray jeans.

No bullet defects were observed on the pair of gray jeans.

Multiple green reflective spheres were removed from the front pockets of the gray jeans.

Item 13 Apparent blood was observed on the anterior of the gray hooded thermal shirt. No testing was performed on the apparent blood.

Apparent vomit was observed on the right side of the hood of the gray hooded thermal shirt.

Defect A<sub>1</sub> entrance corresponds with defect A entrance on Item 10.

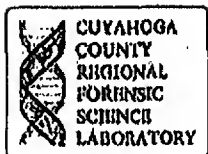
Item 14 No bloodstains were observed on the camouflage winter hat.

Apparent vomit was observed on the interior of the left side of the camouflage winter hat.

No bullet defects were observed on the camouflage winter hat.

Item 15 No bloodstains were observed on the left blue with white trim shoe.

Item 16 No bloodstains were observed on the right blue with white trim shoe.



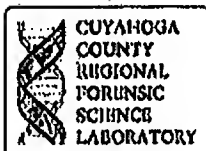
**Cuyahoga County Regional Forensic Science Laboratory**  
11001 Cedar Avenue, Cleveland OH 44106

**TRACE EVIDENCE LABORATORY EXAMINATION REPORT**

Report Date: 2/5/2015 Victim's Name: Tamir Rice  
CCRFSL Case #: 2014-006817 Agency Case #: 2014-368418  
CCMEO Case #: IN2014-01991 Submitting Agency: Cleveland Police Department  
Pathologist: Dr. Gilson Homicide Unit  
Contact person: Detective Diaz Address: 1300 Ontario Street  
Cleveland, Ohio 44113

- Item 17 No bloodstains were observed on the brown belt.  
No bullet defects were observed on the brown belt.
- Item 18 No bloodstains were observed on the blue underwear.  
No bullet defects were observed on the blue underwear.
- Item 19 No bloodstains were observed on the pair of white with gray trim ankle length socks.
- Item 20 A test firing was performed on 12/17/2014. Present from the Trace Evidence Department was Curtiss Jones.  
Weapon used: "Glock", model 17, 9mm semi-automatic pistol  
serial number: FTX169  
Ammunition used: "Speer" Gold Dot 9mm  
Fabric used: 100% polyester

<u>Distance:</u>	<u>Result:</u>
2 1/2 feet	No fouling was observed visually. Powder grains were observed visually and with stereomicroscopy to a 3 1/2 inch radius around the bullet defect. Nitrites were detected to a 3 1/2 inch radius around the bullet defect.
3 feet	No fouling was observed visually. Powder grains were observed visually and with stereomicroscopy to a 4 inch radius around the bullet defect. Nitrites were detected to a 4 inch radius around the bullet defect.
3 1/2 feet	No fouling was observed visually. Powder grains were observed visually and with stereomicroscopy randomly around the bullet defect. Nitrites were detected to a 4 inch radius around the bullet defect.



**Cuyahoga County Regional Forensic Science Laboratory**  
11001 Cedar Avenue, Cleveland OH 44106

**TRACE EVIDENCE LABORATORY EXAMINATION REPORT**

Report Date:	2/5/2015	Victim's Name:	Tamir Rice
CCRPSL Case #:	2014-006817	Agency Case #:	2014-368418
CCMEO Case #:	IN2014-01991	Submitting Agency:	Cleveland Police Department
Pathologist:	Dr. Gilson		Homicide Unit
Contact person:	Detective Diaz	Address:	1300 Ontario Street
			Cleveland, Ohio 44113

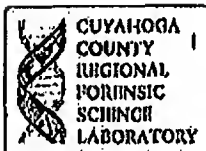
Item 20 Continued:

Distance:

Result:

4 feet	No fouling was observed visually. Powder grains were observed visually and with stereomicroscopy randomly around the bullet defect. Nitrites were detected randomly around the bullet defect.
4 1/2 feet	No fouling was observed visually. Powder grains were observed visually and with stereomicroscopy randomly around the bullet defect. Nitrites were detected randomly around the bullet defect.
5 feet	No fouling was observed visually. No powder grains were observed visually around the bullet defect. Two possible nitrites were detected around the bullet defect.
5 1/2 feet	No fouling was observed visually. No powder grains were observed visually around the bullet defect. Two possible nitrites were detected around the bullet defect.
6 feet	No fouling was observed visually. No powder grains were observed visually around the bullet defect. One possible nitrite was detected around the bullet defect.
6 1/2 feet	No fouling was observed visually. No powder grains were observed visually around the bullet defect. One possible nitrite was detected around the bullet defect.
7 feet	No fouling was observed visually. No powder grains were observed visually around the bullet defect. One possible nitrite was detected around the bullet defect.
8 feet	No fouling was observed visually. No powder grains were observed visually around the bullet defect.





**Cuyahoga County Regional Forensic Science Laboratory**  
11001 Cedar Avenue, Cleveland OH 44106

**TRACE EVIDENCE LABORATORY EXAMINATION REPORT**

Report Date:	2/5/2015	Victim's Name:	Tamir Rice
CCRFSL Case #:	2014-006817	Agency Case #:	2014-368418
CCMEO Case #:	IN2014-01991	Submitting Agency:	Cleveland Police Department
Pathologist:	Dr. Gilson		Homicide Unit
Contact person:	Detective Diaz	Address:	1300 Ontario Street
			Cleveland, Ohio 44113

Items 2, 3, and 5 were transferred to the DNA Department. Please see the DNA report for any DNA analysis performed.

Items 8 and 9 were examined by the DNA Department. Please see the DNA report for any DNA analysis performed.

Any dimensional measurements contained in this Trace Evidence Laboratory Examination Report are approximations unless otherwise noted. Dimensional measurements that have a direct effect on the results of a test or analysis are documented with the uncertainty of measurement value.

As of the date of the Trace Evidence Laboratory Examination Report, unless otherwise indicated, the items of evidence contained herein are stored at the Trace Evidence Department of the Cuyahoga County Regional Forensic Science Laboratory.

This report shall not be reproduced except in full, without the written approval of the Cuyahoga County Regional Forensic Science Laboratory.

Results in this report relate only to the items tested.

Signature: \_\_\_\_\_

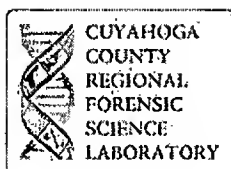
Curtiss L. Jones, MS, Forensic Scientist  
Supervisor, Trace Evidence Department

Date: 2/6/2015

Trace Evidence Laboratory Examination Report  
Date of Distribution 2/6/2015

Page 7 of 7

Analyst's Initials CR  
Reviewer's Initials JK



**Cuyahoga County Regional Forensic Science Laboratory**  
**11001 Cedar Avenue, Cleveland OH 44106**

**DNA LABORATORY EXAMINATION REPORT**

Report Date:	1-23-15	Victim's Name:	Tamir Rice
CCRFSL Case #:	2014-006817	Submitting Agency:	Cleveland Police Department
CCMEO Case #:	IN2014-01991		Homicide Unit
Agency Case #:	2014-368418	Address:	1300 Ontario Street
Pathologist:	Dr. Thomas Gilson		Cleveland, OH 44113-1600
Contact Person:	Det. Ray Diaz		

Items 2 and 3 were transferred by Curtiss Jones of the Trace Evidence Department on November 24, 2014.

Item 5 was transferred by Dr. Thomas Gilson of the Cuyahoga County Medical Examiner's Office on November 24, 2014.

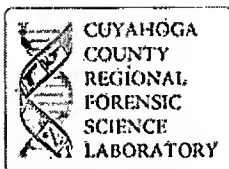
Items 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19 were submitted by Det. Kathy Cruz of the Cleveland Police Department Homicide Unit on December 2, 2014.

The following items were tested for DNA:

<u>Item</u>	<u>Sub-item</u>	<u>Description</u>
2		One swab from the right hand fingernails of Tamir Rice
3		One swab from the left hand fingernails of Tamir Rice
5		Buccal swabs from Tamir Rice
8		"2 swabs from cell phone @ #3"
9		"(8) Eight swabs of suspected DNA collected from black Colt 1911 semi-auto pellet gun and black magazine"
	9.1	"2 swabs suspected DNA, Colt 1911 semi-auto pellet gun and magazine"
	9.2	"2 swabs suspected DNA, Colt 1911 semi-auto pellet gun and magazine"
	9.3	"2 swabs suspected DNA, Colt 1911 semi-auto pellet gun and magazine"
	9.4	"2 swabs suspected DNA, Colt 1911 semi-auto pellet gun and magazine"

**DNA STR (Short Tandem Repeat) analysis:**

DNA obtained from items 2, 3, 5, 8, 9.2, and 9.3 was characterized through the Polymerase Chain Reaction (PCR) at the genetic loci Amelogenin, D3S1358, D1S1656, D2S441, D10S1248, D13S317, PentaE, D16S539, D18S51, D2S1338, CSF1PO, PentaD, TH01, vWA, D21S11,



**Cuyahoga County Regional Forensic Science Laboratory**  
**11001 Cedar Avenue, Cleveland OH 44106**

**DNA LABORATORY EXAMINATION REPORT**

Report Date:	1-23-15	Victim's Name:	Tamir Rice
CCRFSL Case #:	2014-006817	Submitting Agency:	Cleveland Police Department
CCMEO Case #:	IN2014-01991		Homicide Unit
Agency Case #:	2014-368418	Address:	1300 Ontario Street
Pathologist:	Dr. Thomas Gilson		Cleveland, OH 44113-1600
Contact Person:	Det. Ray Diaz		

D7S820, D5S818, TPOX, DYS391, D8S1179, D12S391, D19S433, FGA, and D22S1045 using the Promega PowerPlex Fusion amplification system.

**Results and Conclusion:**

Presumptive test indicated the presence of blood in items 2 and 3. No confirmatory testing was performed.

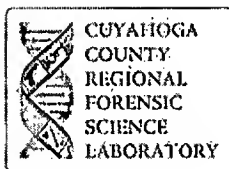
The partial DNA profile obtained from item 8 is a mixture with major and minor components. The major DNA component in this mixture matches the DNA profile of Tamir Rice (item 5). In the absence of an identical twin, Tamir Rice is the source of the major DNA component in this mixture to a reasonable degree of scientific certainty. The genetic loci D13S317, Penta E, CSF1PO, D5S818, TPOX, D19S433, FGA, and D22S1045 were not used for statistical calculations. The minor DNA component is inconclusive due to insufficient information.

The DNA profile obtained from item 9.2 is a mixture with major and minor components. The major DNA component in this mixture is unknown. Tamir Rice cannot be excluded as a possible contributor to the minor DNA component in this mixture. The probability of selecting an unrelated individual at random from the population as a possible contributor to the minor DNA component in this mixture is approximately 1 in 2 million in Caucasians, 1 in 64,850 in African Americans, and 1 in 4 million in Hispanics. The genetic loci Penta E, D2S1338, CSF1PO, vWA, D7S820, TPOX, D19S433, and FGA were not used for statistical calculations.

The DNA profile obtained from item 9.3 is a mixture of at least three individuals. Tamir Rice cannot be excluded as a possible contributor to this mixture. The probability of selecting an unrelated individual at random from the population as a possible contributor to this mixture is approximately 1 in 485 million in Caucasians, 1 in 18 million in African Americans, and 1 in 918 million in Hispanics.

No DNA profile foreign to Tamir Rice was obtained from item 2.

The partial DNA profile obtained from item 3 is inconclusive due to insufficient information.



**Cuyahoga County Regional Forensic Science Laboratory**  
**11001 Cedar Avenue, Cleveland OH 44106**

**DNA LABORATORY EXAMINATION REPORT**

Report Date:	1-23-15	Victim's Name:	Tamir Rice
CCRFSL Case #:	2014-006817	Submitting Agency:	Cleveland Police Department
CCMEO Case #:	IN2014-01991		Homicide Unit
Agency Case #:	2014-368418	Address:	1300 Ontario Street
Pathologist:	Dr. Thomas Gilson		Cleveland, OH 44113-1600
Contact Person:	Det. Ray Diaz		

An insufficient quantity of human DNA was obtained from item 9.1. No further testing was performed at this time.

No human DNA was detected in item 9.4.

Items 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19 were not tested for DNA at this time.


The NIST STR frequency database was used for statistical calculations.

The genetic locus DYS391 was not used for statistical calculations.

Please submit a reference buccal swab sample(s) for comparison to the unknown.


All cuttings and portions obtained from the evidence items examined for this report, and the remaining DNA extracts from these items will be stored at the appropriate temperature in the laboratory.

Results in this report relate only to the items tested.

Analyst:   
Jeffrey Oblock

Date: 1-23-15

Title: Forensic Scientist

Technical Reviewer:   
Nasir A. Butt, Ph.D.

Date: 1-23-15

Title: DNA Technical Manager and Supervisor

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Thomas P. Gilson, M.D.  
Medical Examiner

## CUYAHOGA COUNTY MEDICAL EXAMINER

11001 Cedar Avenue  
Cleveland, OH 44106  
(216) 721-5610

### Official Receipt from the Office of the Medical Examiner of Cuyahoga County

Issue Date: 1/14/2015  
Case Number: IN2014-01991  
In Reference: Tamir E. Rice

Issued By: Childs, Alicia  
Receipt Number: RC2015-00183  
Printed: 1/14/2015 9:14:12 AM

Requestor Name: Investigator John Morgan  
Agency Requestor: Cuyahoga County Sheriff's Department  
Address: 1215 West 3rd Street, Cleveland, Ohio 44113  
Comment: CD.

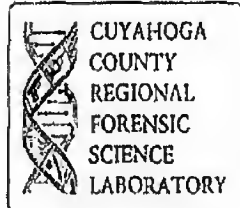
Code	Report Name	Sub Fund	Amount	Quantity	Pages	Total Amount
VERD	Verdict Report	01A001	\$0.00	1	1	\$0.00
LABR	Laboratory Report	20A312	\$0.00	1	1	\$0.00
APRO	Autopsy Protocol	01A001	\$0.00	1	1	\$0.00
PHOT	Photographs	01A001	\$0.00	1	1	\$0.00
	<b>TOTAL</b>		<b>\$0.00</b>	<b>4</b>	<b>4</b>	<b>\$0.00</b>

The attached documents are a true and certified copy of the original documents on file in the Cuyahoga County Medical Examiner's Office, 11001 Cedar Avenue, Cleveland, Ohio 44106.

Thomas P. Gilson, M.D., Medical Examiner



**Toxicology Laboratory Report**  
**Cuyahoga County Regional Forensic Science Laboratory**  
11001 Cedar Avenue, Cleveland, Ohio 44106  
**Final Report**



Page 1 of 4

**Case Number :** IN2014-01991  
**Name :** Tamir Rice  
**Agency :** Cuyahoga County (CCMEO)

**Report Date :** Thursday, December 11, 2014  
**Receipt Date :** Monday, November 24, 2014  
**Pathologist :** TGIL - Thomas Gilson - M.D.

**Specimen Received**

B1 - Blood	F1 - Femoral Blood	G1 - Gastric	I1 - Bile
L1 - Liver	R1 - Longterm Storage	R2 - Longterm Storage	V1 - Vitreous Humor
Y1 - Hospital Blood	Y2 - Hospital Blood	Y3 - Hospital Blood	Y4 - Hospital Blood

COMMENT : Y1 = 11/22/14 @ 526pm; Y2 and Y3 = 11/22/14 @ 751pm; Y4 = 11/22/14 @ 951pm

**B1: Heart Blood Analysis**

Drug Group/Class	Result	Quantitation	Analyte(s)
Acid Neutrals by GC/MS	None Detected		See Page 4, Group 2
Acetaminophen Screen	None Detected		See Page 4, Group 9
Sallylate Screen	None Detected		See Page 4, Group 10

**F1: Femoral Blood Analysis**

Drug Group/Class	Result	Quantitation	Analyte(s)
Volatile Screen & Confirmation	None Detected		See Page 4, Group 1
Opiate ELISA Screen	None Detected		See Page 4, Group 7
Basic Drugs by GC/MS	None Detected		See Page 4, Group 8
Amphetamine ELISA	None Detected		See Page 4, Group 7
Barbiturates ELISA Screen	None Detected		See Page 4, Group 7
Benzodiazepines ELISA Screen	None Detected		See Page 4, Group 7
Cannabinoids ELISA Screen	None Detected		See Page 4, Group 7
Carisoprodol ELISA Screen	None Detected		See Page 4, Group 7
Cocaine Mtb. ELISA Screen	None Detected		See Page 4, Group 7
Fentanyl ELISA Screen	None Detected		See Page 4, Group 7
Methamphetamine ELISA Screen	None Detected		See Page 4, Group 7
Oxycodone ELISA Screen	None Detected		See Page 4, Group 7
Phencyclidine ELISA Screen	None Detected		See Page 4, Group 7
Tricyclic Antidepressants ELISA Screen	None Detected		See Page 4, Group 7
Methadone ELISA Screen	None Detected		See Page 4, Group 7

**G1: Gastric Contents Analysis**

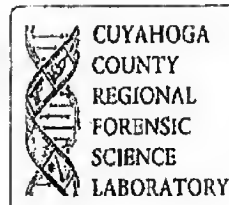
Drug Group/Class	Result	Quantitation	Analyte(s)
No Test Performed	---		

**I1: Bile Analysis**

Drug Group/Class	Result	Quantitation	Analyte(s)
No Test Performed	---		



**Toxicology Laboratory Report**  
**Cuyahoga County Regional Forensic Science Laboratory**  
**11001 Cedar Avenue, Cleveland, Ohio 44106**  
**Final Report**



Page 2 of 4

<b>Case Number :</b>	IN2014-01991	<b>Report Date :</b>	Thursday, December 11, 2014
<b>Name :</b>	Tamir Rice	<b>Receipt Date :</b>	Monday, November 24, 2014
<b>Agency :</b>	Cuyahoga County (CCMEO)	<b>Pathologist :</b>	TGIL - Thomas Gilson - M.D.

**L 1: Liver Analysis**

Drug Group/Class	Result	Quantitation	Analyte(s)
No Test Performed	---		

**R 1: Long Term Storage Blood Analysis**

Drug Group/Class	Result	Quantitation	Analyte(s)
No Test Performed	---		

**R 2: Long Term Storage Purple Top**

Drug Group/Class	Result	Quantitation	Analyte(s)
No Test Performed	---		

**V 1: Vitreous Humor Post Analysis**

Drug Group/Class	Result	Quantitation	Analyte(s)
No Test Performed	---		

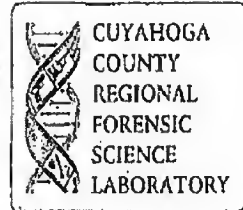
**Y 1: Hospital Blood - Light Blue Top Analysis**

Drug Group/Class	Result	Quantitation	Analyte(s)
Volatile Screen & Confirmation	None Detected		See Page 4, Group 1
Acid Neutrals by GC/MS	Qty. Insufficient		See Page 4, Group 2
Opiate ELISA Screen	None Detected		See Page 4, Group 7
Basic Drugs by GC/MS	Positive		See Page 4, Group 8
Lidocaine		Positive	
Acetaminophen Screen	Qty. Insufficient		See Page 4, Group 9
Salicylate Screen	Qty. Insufficient		See Page 4, Group 10
Amphetamine ELISA	None Detected		See Page 4, Group 7
Barbiturates ELISA Screen	None Detected		See Page 4, Group 7
Benzodiazepines ELISA Screen	None Detected		See Page 4, Group 7
Cannabinoids ELISA Screen	None Detected		See Page 4, Group 7
Carisoprodol ELISA Screen	None Detected		See Page 4, Group 7
Cocaine Mtb. ELISA Screen	None Detected		See Page 4, Group 7
Fentanyl ELISA Screen	None Detected		See Page 4, Group 7
Methamphetamine ELISA Screen	None Detected		See Page 4, Group 7
Oxycodone ELISA Screen	None Detected		See Page 4, Group 7
Phencyclidine ELISA Screen	None Detected		See Page 4, Group 7
Tricyclic Antidepressants ELISA Screen	None Detected		See Page 4, Group 7

*Handwritten signature/initials*



**Toxicology Laboratory Report**  
**Cuyahoga County Regional Forensic Science Laboratory**  
**11001 Cedar Avenue, Cleveland, Ohio 44106**  
**Final Report**



Page 3 of 4

**Case Number :** IN2014-01991      **Report Date :** Thursday, December 11, 2014  
**Name :** Tamir Rice      **Receipt Date :** Monday, November 24, 2014  
**Agency :** Cuyahoga County (CCMEO)      **Pathologist :** TGIL - Thomas Gilson - M.D.

Y-1 : Hospital Blood Light Blue Top Analysis			
Drug Group/Class	Result	Quantitation	Analyte(s)
Methadone ELISA Screen	None Detected		See Page 4, Group 7

Y-2 : Serum from Hospital Blood			
Drug Group/Class	Result	Quantitation	Analyte(s)
No Test Performed	---		

Y-3 : Hospital Blood Pink Top Analysis			
Drug Group/Class	Result	Quantitation	Analyte(s)
No Test Performed	---		

Y-4 : Hospital Blood Analysis			
Drug Group/Class	Result	Quantitation	Analyte(s)
No Test Performed	---		

21/11/14



## Page 4 of 4

## DRUGS ANALYZED/QUANTIFIED BY CCRFSL/CCMEO TOXICOLOGY

- \*BY REQUEST ONLY; ABBREVIATIONS: POS=Positive; NEG=Negative; UNS=Specimen unsuitable for testing; NTDN=Not Done; QNS=Quantity insufficient for analysis; CHEM7=Clinical Chemistry,  $\leq$  less than;  $\geq$  greater than; LRL= Lower reporting limit; C.L.= Confidence Level. UNITS FOR VOLATILES: 100 mg/dL=0.100 g/dL=0.100 g/3%. UNITS: 1 mg/L= 1000  $\mu$ g/L = 1000 ng/ml.

I certify that the specimen identified by this case, number IN2014-01991 have been handled and analyzed in accordance with all applicable requirements. The result in this report relate to the items tested. For purposes of identification and case tracking the Toxicology Lab uses case numbers exclusively. Name is subject to change based on receipt of information. This report shall not be reproduced except in full, without the written approval of the Cuyahoga County Regional Forensic Science Laboratory.

Chief Forensic Toxicologist *Thaddeus Schuster* 12/12/14

## CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-04 (Tamir Rice)

DATE 5/21/15

FROM James Mackey, Detective

TO Sgt. Sharpe

SUBJECT Officer Interview Request Update

COPIES TO File

---

Follow up regarding request for an interview with the below listed officers made on Friday March 13, 2015.

- Detective Dan Lentz
- Patrolman Lou Kitko
- Patrolman Tom Griffin
- Patrolman Ricardo Roman
- Patrolman Ken Zverina

I spoke with CPPA Union Attorney Brian Moriarty today (Thursday May 21, 2015). He informed me that he is in the process of speaking with his clients and thus far sees no issues with his clients speaking with investigators. He mentioned at the earliest he would be able to schedule interviews would be Thursday May 28, 2015.

I informed Moriarty that I would contact him on Tuesday May 26, 2015 to schedule the interviews.

//////S//////

James Mackey, Detective

## CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-04 (Tamir Rice)

DATE 5/26/15

FROM James Mackey, Detective

TO Sgt. Sharpe

SUBJECT Officer Interview Request Update 5/26/15

COPIES TO File

On Tuesday May 26, 2015 I received a phone call from CPPA Attorney Brian Moriarty regarding a request to interview the following Cleveland Police Officers with relation to this case:

- Detective Dan Lentz
- Patrolman Lou Kitko
- Patrolman Tom Griffin
- Patrolman Ricardo Roman
- Patrolman Ken Zverina

Moriarty said all the officers are willing to speak with us. He requested that the interviews be scheduled for Monday June 1, 2015. I informed him that I was only able to get an extension until Thursday May 28, 2015 which was extended from the original date of Saturday May 23, 2015. He put me in touch with his Co-Counsel, Keith Wolgumuth who indicated he will try to get the interviews scheduled for Thursday May 28, 2015.

I informed him that out of the five (5) officers Det. Lentz would be a priority interview over the other four (4) officers if we were to meet the Thursday deadline. I last spoke with him around 9:20pm today (5/26/15) and he was unable to commit to any interviews as of yet as he only learned that he would be sitting in on the interviews around 7:00pm.

I informed him that I would be in contact with him in the morning hours of Wednesday May 27, 2015 to see if there is any progress on scheduling the requested interviews.

/////S/////

James Mackey, Detective

CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-00004

DATE 05/27/2015

FROM Detective David Jacobs

TO Sergeant Eugene Sharpe

SUBJECT Photos from [REDACTED] perspective

COPIES TO File

The following is in conjunction with the investigation into the Cleveland Police Department (CPD), Use of Deadly Force incident that took place at the Cudell Recreation Center (CRC) on November 22<sup>nd</sup>, 2014 at approximately 3:30pm.

CPD Scientific Investigative Unit (SIU) Detective James Raynard took several photographs of the area of [REDACTED] Street, Cleveland, Ohio on December 10, 2014. [REDACTED] lives at the aforementioned address and the purpose of documenting these photos was to depict [REDACTED] perspective and location at the time of the incident previously mentioned.

There are a total of thirty-six (36) photos taken from various locations and angles. Using the Attorney General, Bureau of Criminal Investigation (BCI) 360 degree scan we were able to measure from where [REDACTED] was standing and the CRC gazebo where the incident took place. It was determined [REDACTED] was approximately three hundred and fifteen feet (315) from the CRC gazebo. The photos were uploaded and scanned to the file. Refer to [REDACTED] interview synopsis for further information.

Respectfully Submitted,

\_\_\_\_\_  
Detective David Jacobs

# CUYAHOGA COUNTY SHERIFF'S OFFICE

03-00

FILE NO. 15-00004

DATE 05/28/2015

FROM Detective David Jacobs #211

TO Sergeant Eugene Sharpe

SUBJECT Interview of CPD Officer Ricardo Roman

COPIES TO File

Ricardo ROMAN, Cleveland Police Department (CPD), Badge #980, Patrol Officer, First District, "B" Platoon. On May 28<sup>th</sup>, 2015 ROMAN was interviewed by Detectives James Mackey and David Jacobs at the Cuyahoga County Sheriff's Office. ROMAN was advised of the identities of the interviewing Detectives and the purpose of the interview. ROMAN thereafter provided the following information regarding the investigation of the CPD Use of Deadly Force incident which took place at the Cudell Recreation Center (CRC), 1910 West Boulevard, Cleveland, Ohio on November 22<sup>nd</sup>, 2014 at approximately 3:30pm.

Present for the interview; Attorney Marissa Serrat, Cleveland Police Patrolman's Association (CPPA) Union Representatives William Gonzalez and Thomas Lascko.

ROMAN has been employed as a CPD Patrol Officer since January of 2011 and has been assigned to the First District his entire career. On November 22<sup>nd</sup>, 2014 ROMAN was assigned to Zone Six (6) and was working "B" Platoon (1430 hours to 2230 hours.) ROMAN was partnered with Officer Ken Zverina and their respective call sign was 1A26.

At approximately 15:20 hours, ROMAN and Zverina were clearing a domestic violence call in the area of Lorain Avenue in Cleveland, Ohio. District One (1) dispatch was calling any available cars to respond to the CRC for a *"man with a gun."* CPD Unit 115A, call sign 1A25 (Loehmann and Garmback) responded that they were nearby and would respond. ROMAN and Zverina responded shortly thereafter stating that they would also respond. While en route to the CRC, ROMAN heard Garmback call *"shots fired"* and they continued to the CRC. ROMAN was confused as to who was shot.

ROMAN was driving and Zverina was the passenger as they arrived at the CRC. They entered the parking lot from the West Boulevard entrance and parked on the south side of the parking lot facing east. ROMAN noticed 1A25 was parked near the gazebo and a male was lying on the ground between CPD unit 115A and the gazebo. ROMAN remembers Garmback and an FBI Agent administering some type of first aid to the male.

ROMAN thought the suspect was lying on the grass and noted that there was a *"black automatic gun and a magazine clip"* on the ground near the suspect. ROMAN described the suspect as a *"black male, early twenties and easily over two hundred (200) pounds."* ROMAN was shown a crime scene photo of the weapon recovered from the scene and he stated it appeared similar to the gun he saw in the grass near the suspect. ROMAN thought the gun was real until he looked closer at the magazine, even then, he still thought the gun was real.

ROMAN did not have any conversations with Garmback but did talk to Loehmann. The conversation with Loehmann was only pertaining to an injury to his ankle. ROMAN described Loehmann as *"upset."* ROMAN did not overhear any conversations between the FBI Agent and the suspect. ROMAN described the suspect as having *"shallow breathing."* Initially, ROMAN did not know what had happened but did learn sometime later that Loehmann was responsible for firing his weapon and shooting the suspect.

## CUYAHOGA COUNTY SHERIFF'S OFFICE

015-33

ROMAN had a brief interaction with a person who was trying to enter the crime scene stating "*that's my brother.*" According to ROMAN, the male "*tensed up*" and was angry (in general) and was eventually placed into the backseat of one of the CPD marked units. ROMAN also noticed the suspect's mother had arrived and was given permission to ride in the EMS truck with her son to the hospital.

Respectfully Submitted,

---

Detective David Jacobs

# CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-00004

DATE 05/28/2015

FROM Det. Homer Allen

TO Sgt. Sharpe

SUBJECT Interview with Officer Lou Kitko

COPIES TO Lt. Smith and File

Sir,

On Wednesday May 28th, 2015 at 10:30hrs while assigned to the Cuyahoga County Sheriff's Detective Bureau Detective James Mackey and I conducted an interview with Cleveland Police Officer Lou Kitko. The interview was in reference to a Cleveland Police Department (CPD), Use of Deadly Force incident which occurred on November 22, 2014 at the Cudell Recreation Center (CRC), 1910 West Boulevard, Cleveland, Ohio.

## Interview Attendees

Officer Lou Kitko

CPPA Union Vice President Thomas Lascko

CPPA Union Attorney Marisa Serrat

CPPA Union Attorney Henry Hilow

Officer Kitko has been employed by The City of Cleveland Division of Police for the last 18 years. He is presently assigned to the basic patrol division in the 1<sup>st</sup> District. He is assigned to a one man car and was on another assignment when "*Shots fired*" was broadcast, and EMS was requested. The following is a summary of what occurred at the scene:

- He entered the CRC parking lot and parked his car facing east toward the gazebo.
- Was informed by Officer Garmback that this was an officer involved shooting.
- He contacted the Cleveland Police Union.
- He retrieved crime scene tape from his cruiser and began to mark off the crime scene.
- He recalls the male laying on ground with his head pointing south.
- There was a firearm lying next to the male.
- Appeared to be semi-automatic handgun, black in color which looked real.
- He entered the CRC and advised the staff that CPD would need a copy of their video surveillance.
- He attempted to calm down Officer Loehmann; he was very emotional and very upset about the incident.
- He believes that he and Officer Loehmann may have prayed together in the back of the ambulance.

Upon asking Officer Kitko if he had a conversation with Loehmann, he replied that "He only remembers the generic's." Loehmann stated, "*They arrived on scene, was yelling commands at the kid, they stopped the car, the kid went for the firearm and tried to pull it out,*" Then Officer Loehmann told Officer Kitko that he shot him.

Officer Kitko believed that firearm was real. He believed that he was only on scene for approximately 30 minutes. Kitko stated that he has only known Officer Loehmann for about a month or two, and Officer Garmback for around 8 years.

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01-1-00

Upon reviewing the video from the Cudell Recreation Center he was able to confirm the following:

- He arrives on scene at 15:36:59hrs.
- At 15:37hrs he asks officer if this was an officer involved shooting, proceeds to call union
- He remembers an FBI agent, that he just met the day before at bank robbery on scene
- Kitko thought the shot male appeared to be 19 or 20 years old
- He has been on around 3 Use of Deadly Force Scenes
- At 15:41.21hrs. a gentleman was screaming and came under the crime scene tape
- Male was screaming that his brother was shot and that he, was going to go see him. The male balled up his fists, stated he was coming in, at which time he was taken into custody and placed in a zone car
- He recalls another person, in the back of another zone car yelling and screaming
- The mother arrived on scene and started yelling and stating she was going to sue everyone
- The mother never asked about the shot male

At 15:42hrs. Officer Loehmann is seated in his zone car, Sgt. Rutherford is present. Kitko is shown an overhead picture of the scene; he drew the location of the body and the simulated weapon. The weapon was on the right of his body close to his right hand.

Sgt. Rutherford approached the mother while she was yelling and screaming and talked to her. Sgt. Rutherford was the only sergeant in the district that day. Their district is divided into sector 1 and sector 2; usually you have a boss for each sector, she was running both sectors. At 16:00 hours the video tape ends, no additional information obtained.

Please refer to DVD copy of this interview for additional clarification and needs.

Respectfully submitted for your review,

Homer Allen #225



# CUYAHOGA COUNTY SHERIFF'S OFFICE

013-03

FILE NO. 15-00004

DATE 05/28/2015

FROM Detective David Jacobs #211

TO Sergeant Eugene Sharpe

SUBJECT Interview of CPD Ken Zverina

COPIES TO File

Ken ZVERINA, Cleveland Police Department (CPD), Badge #2437, Patrol Officer, First District, "B" Platoon. On May 28th, 2015 ZVERINA was interviewed by Detectives James Mackey and David Jacobs at the Cuyahoga County Sheriff's Office. ZVERINA was advised of the identities of the interviewing Detectives and the purpose of the interview. ZVERINA thereafter provided the following information regarding the investigation of the CPD Use of Deadly Force incident which took place at the Cudell Recreation Center (CRC), 1910 West Boulevard, Cleveland, Ohio on November 22nd, 2014 at approximately 3:30pm.

Present for the interview; Attorney Marisa Serrat, Cleveland Police Patrolman's Association (CPPA) Union Representatives William Gonzalez and Thomas Lascko.

ZVERINA has been employed as a CPD Patrol Officer for approximately three and one half (3 ½) years and has been assigned to the First District his entire career. On November 22nd, 2014, ZVERINA was assigned to Zone Six (6) and was working "B" Platoon (1430 hours to 2230 hours.) ZVERINA was partnered with Officer Ricardo Roman and their respective call sign was 1A26; Roman was driving and ZVERINA was the passenger.

At approximately 15:20 hours, ZVERINA and Roman were clearing a domestic violence call near West 160<sup>th</sup> and Lorain Avenue, Cleveland, Ohio. District One (1) dispatch was calling any available cars to respond to the CRC for a "man with a gun." CPD Unit 115A, call sign 1A25 (Loehmann and Garmback) responded that they were nearby and would respond. ZVERINA and Roman responded shortly thereafter stating that they would also respond.

While en route to the CRC, Garmback transmits "shots fired send EMS." ZVERINA and Roman continue to the CRC. ZVERINA parked in the south area of the parking lot facing east. ZVERINA exited his patrol car and noticed Detective Lentz (CPD) and an unknown male (UM) later identified as an FBI Agent near the suspect. The FBI Agent asked ZVERINA if he had any medical equipment to use, with which he responded "no." The suspect was lying on the pavilion floor with his head to the south and legs to the north. ZVERINA did not hear the suspect talking, but thought he was breathing.

ZVERINA noticed a "full frame, black semi-auto" just to the north of the suspect on the grass. ZVERINA described the suspect, who was lying on the ground as follows; 18- 20 years of age, 6'0", 200 pounds. ZVERINA never had any conversations with Officer Garmback but did have a conversation with Officer Loehmann. Officer Loehmann was complaining of ankle pain. Initially, ZVERINA was unaware of who had fired their weapon, but did learn shortly thereafter. ZVERINA was also unaware of anyone in the backseat of CPD marked unit 115A.

ZVERINA was tasked with setting up a perimeter to protect the crime scene at which time he encountered what he described as an angry "large black male," coming from the direction of Madison Avenue. The male disregarded the crime scene tape and entered the crime scene. ZVERINA observed the large black male; "blade his stance and tense up his body." The male was then placed into a zone car parked nearby. Shortly after this incident, ZVERINA encountered a black female walk up from the same direction claiming to be the mother of the person who was shot. ZVERINA obtained permission from Sergeant Janell Rutherford to have the mother ride in the EMS truck with her son.

Respectfully Submitted,

Detective David Jacobs

## CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-00004

DATE 5/28/15

FROM James Mackey, Detective

TO Sgt. Sharpe

SUBJECT Interview of Cleveland Police Detective Dan Lentz

COPIES TO File

Summary

On Thursday May 28, 2015 Detective Allen and I (Detective Mackey), interviewed Cleveland Police Detective Daniel Lentz. The interview centered on his involvement and observations after responding to 1910 West Boulevard (Cudell Recreation Center), Cleveland OH 44102 on Saturday November 22, 2014 to assist for, a "shots fired" broadcast over the radio.

Details

On Thursday May 28, 2015 Detective Allen and I met with Detective Daniel Lentz, a Cleveland Police First District Detective at the Cuyahoga County Sheriff Detective Bureau, 1215 W. 3<sup>rd</sup> St., Cleveland OH 44113. Also present were Cleveland Police Patrolmen's Association Attorney (CPPA) Marisa Serrat, CCPA Attorney Henry Hilow and CPPA Union 2<sup>nd</sup> Vice President Thomas Lascko. Detective Lentz was meeting with us to give a voluntary statement regarding his involvement and observations on November 22, 2014 after responding to 1910 West Boulevard, Cleveland Ohio for a shots fired call broadcasted over Cleveland Police radio.

This interview was audio and video recorded.

Detective Lentz has been with the Cleveland Division of Police since 1997. In the nearly eighteen (18) years of service he has served in several assignments to include basic patrol in three (3) districts, strike force, vice and detective bureau. He has prior service in the United States Marine Corps and has also taught classes as a Carry Concealed Weapons (CCW) instructor. Currently, Detective Lentz is assigned to the First District Detective Bureau General Division/ Major Crimes.

On Saturday November 22, 2014 Detective Lentz was accompanied by Federal Bureau of Investigation (FBI), Special Agent (SA) [REDACTED]. The two were in the area of W. 117<sup>th</sup> and Berea conducting follow up investigation for an unrelated bank robbery that occurred the day prior. Det. Lentz heard a radio transmission for "shots fired." After hearing the radio transmission, Det. Lentz and SA [REDACTED] drove to Cudell Recreation Center and once there he explained:

*"We didn't know what we were approaching. I just know there was a call for shots fired. I didn't know if it was an active shooter. I didn't know if the officers had been shot or if the officers shot someone else, or just shots fired in general".*

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Upon the two arriving on scene, SA [REDACTED] exited the car and went in the direction of the officers. Det. Lentz was met by an officer he didn't know at the time but was later identified as Officer Timothy Loehmann. Officer Loehmann appeared injured and was limping. Det. Lentz expressed concern for his injuries; unsure if he was shot. He learned that he was not shot, but his ankle was twisted as he exited his vehicle.

Det. Lentz went over to where SA [REDACTED] was addressing the medical concerns of the male on the ground. He noted that Officer Garmback was also rendering aid assisting SA [REDACTED]. Det. Lentz initially thought the male was deceased; noting that he was motionless and gray. Det. Lentz further described the area around male, indicating there was a weapon and magazine in the general vicinity estimating it was within twenty (20) feet of the subject. Det. Lentz looked at the gun, and said the magazine was separate from the weapon. He described the weapon similar in nature to a Colt 1911. He said after a second look at the magazine he noticed a green ball. It was at that point he realized that at least the magazine and ammunition was not real. Referring to his vast experience and knowledge with firearms he said the weapon looked a thousand percent (1000%) real.

He noted that at one point there was a disturbance with a male who was detained after crossing the crime scene tape and took a fighting stance with officers. The male was placed in the back of a zone car and it was later learned that he was the brother of the shot male. Det. Lentz did make contact with the male while in the back of the zone car but the contact was cut off after the male spit in the face of Det. Lentz and became out of control.

He also had several interactions with a female in the back of the original responding zone car who was detained prior to his arrival. He learned through his interaction with her that the shot male was her twelve (12) year old brother. He had trouble processing that because his initial impression was that the male was substantially older, estimating seventeen (17) or eighteen (18) years old. Initially, the female was very excited but did eventually calm down to the point where Det. Lentz asked for and received permission from the supervisor to remove the handcuffs from the female.

Det. Lentz was shown an overview of the scene and he marked the location of the male subject just east of the responding patrol car and just west of the gazebo. He marked the approximate location with an "X" and a circle around the "X". He said the male's head was to the south and his feet to the north. Marking "H" for head and "F" for feet. He also marked the approximate location of the gun and magazine with two (2) smaller "x" northeast of the "F". He marked the page with "#1", dated "5/28/15" and initialed "DJL" by Det. Lentz. He was shown a second photo that was a Cleveland Police crime scene photo depicting the replica gun. Det. Lentz noted that the photo resembled the gun he saw that day and that he was unable to distinguish the gun in the picture from a real or replica weapon. He marked the photo shown to him with the "#2", date "5/28/15" and initials "DJL".

He was shown a portion of the video surveillance footage from camera 11000100.exe, taken from Cudell Recreation Center. Watching the video, Det. Lentz was able to place some of the actions taken by him in sequence. For further please refer to recorded interview.

For a more detailed account of the interview please refer to the video interview.

//////S/////

James Mackey, Detective

## CUYAHOGA COUNTY SHERIFF'S OFFICE

FILE NO. 15-00004

DATE 4/24/15

FROM James Mackey, Detective

TO Sgt. Sharpe

SUBJECT Detective Lentz and Dispatcher Hollinger Interview for 4/24/15 Postponed

COPIES TO File

In relation to investigation 15-00004, interviews were scheduled with Det. Lentz as well as Dispatcher Hollinger today (Wednesday April 24, 2015) at 9:00am. At 8:46am on Wednesday April 24, 2015 I received a call from CPPA Attorney Keith Wolgumuth informing me that Dispatcher Hollinger would be unable to meet with us for an interview today because of a personal conflict that came up. Her interview was rescheduled for Wednesday April 29, 2015 at 9:30am at the Cuyahoga County Sheriff Detective Bureau.

Wolgumuth further informed me that talks were in progress with the Cuyahoga County Prosecutors Office in regards to Det. Lentz and the current climate. I spoke with CPPA President Loomis and he confirmed that the interview would have to be rescheduled after talks with the Prosecutors Office. Det. Allen will follow up with Loomis in regards to scheduling another interview.

//////S/////

James Mackey, Detective